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Deer Lodge County COMPREHENSIVE PLANNING PROGRAM PLEASE RETURN

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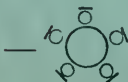
OPPORTUNITY



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DEER LODGE COUNTY
COMPREHENSIVE PLANNING PROGRAM

OPPORTUNITY LAND USE PLAN

Prepared for

DEER LODGE COUNTY PLANNING BOARD

By

NORTHWEST PLANNERS, INC.,

November, 1972

Urban Planning Grant Contract Number - CPA - MT - 08 - 00 - 0054 - 300.1

Prepared under contract for the Department of Planning and Economic Development, State of Montana, and the Deer Lodge County Planning Board

The preparation of this plan was financed in part through an Urban Planning Grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954 as amended.



NORTHWEST PLANNERS ASSOCIATED

MEMBERS:

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A. S. L. A.

A. S. C. E.

I. T. E.

December 1, 1972

Mr. Glenn Kenison, Chairman
Deer Lodge County Planning Board
Courthouse
Anaconda, Montana

Dear Mr. Kenison,

We are pleased to submit to the Planning Board and the citizens of Opportunity, the Opportunity Land Use Plan.

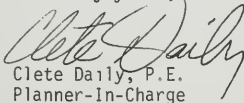
Recommendations are made in written and graphical form for improvements that will make the community a better, more attractive place to live. The aim of the report is to present these recommendations with enough background material and general guidelines to enable the community to implement the plan and to refine or change it with a minimum of confusion.

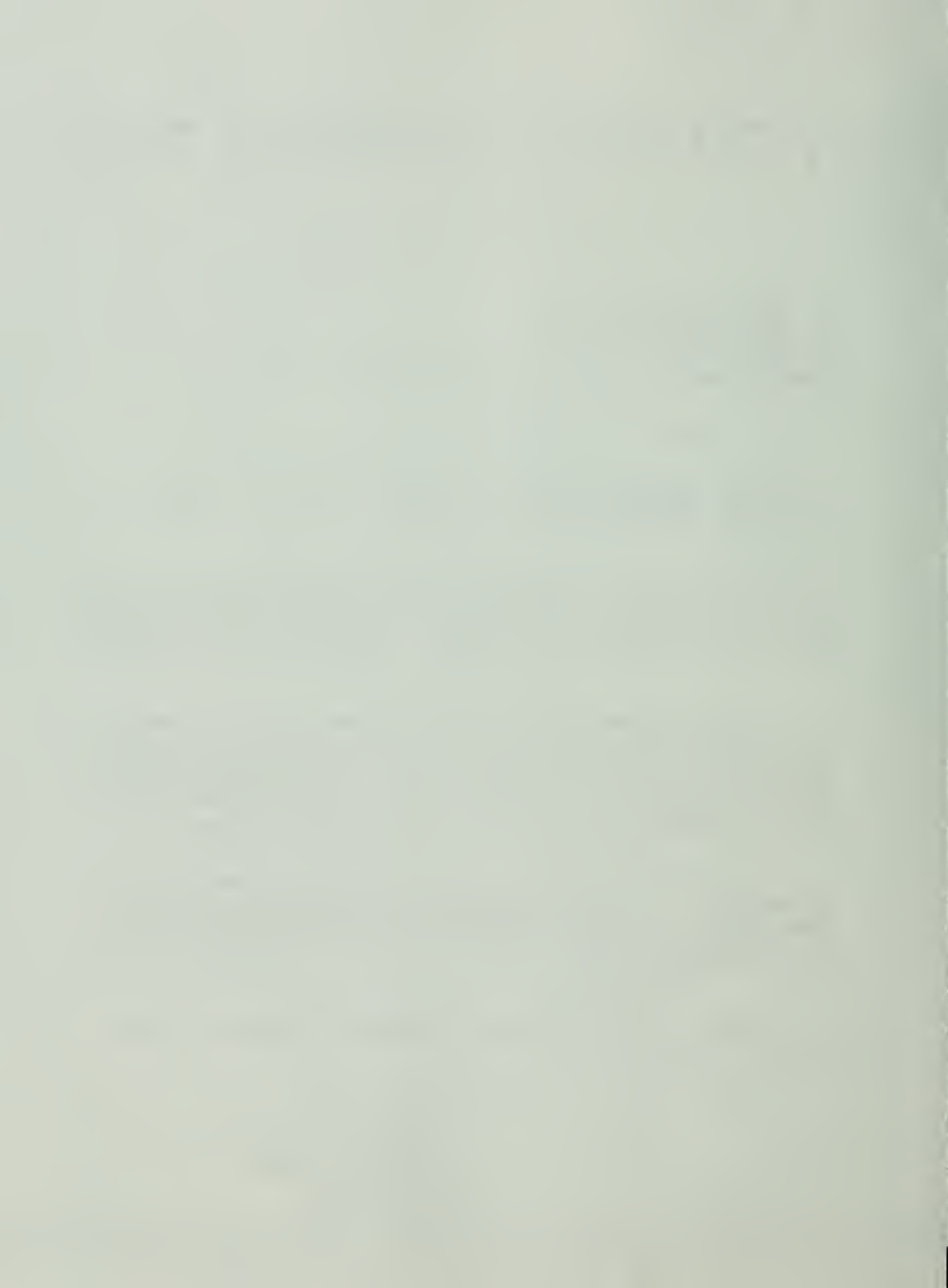
It should be emphasized that this Plan cannot serve its intended purpose - as a guide for community growth - without the support of citizens of the area. Implementation of the Plan will require the adoption of a zoning resolution and building codes as well as community wide programs of code enforcement and beautification. All of these things cannot function without the support of an enthusiastic and enlightened citizenry.

We have received excellent support and encouragement from the people of Opportunity. Citizen participation in the planning process was very good. Members of the Zoning Committee spent a great deal of time assisting us. We are grateful for their efforts, and those of other people listed on the Acknowledgements page.

We hope this plan will assist the community in improving the lives of its citizens.

Sincerely yours,


Clete Daily, P.E.
Planner-In-Charge



ACKNOWLEDGEMENTS

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Kenneth Schofield

Isabelle Barich, Secretary
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Opportunity Zoning Committee Members

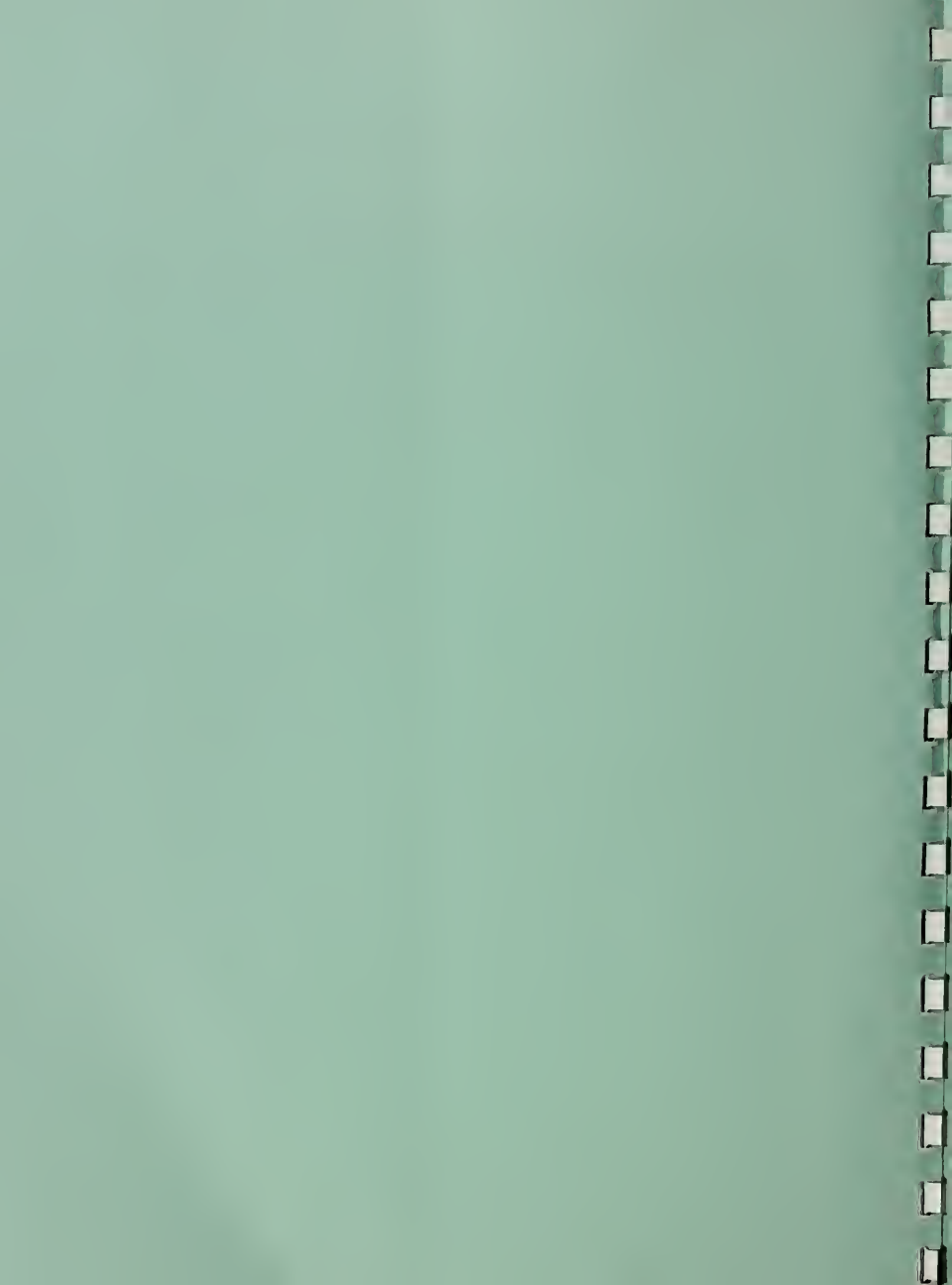
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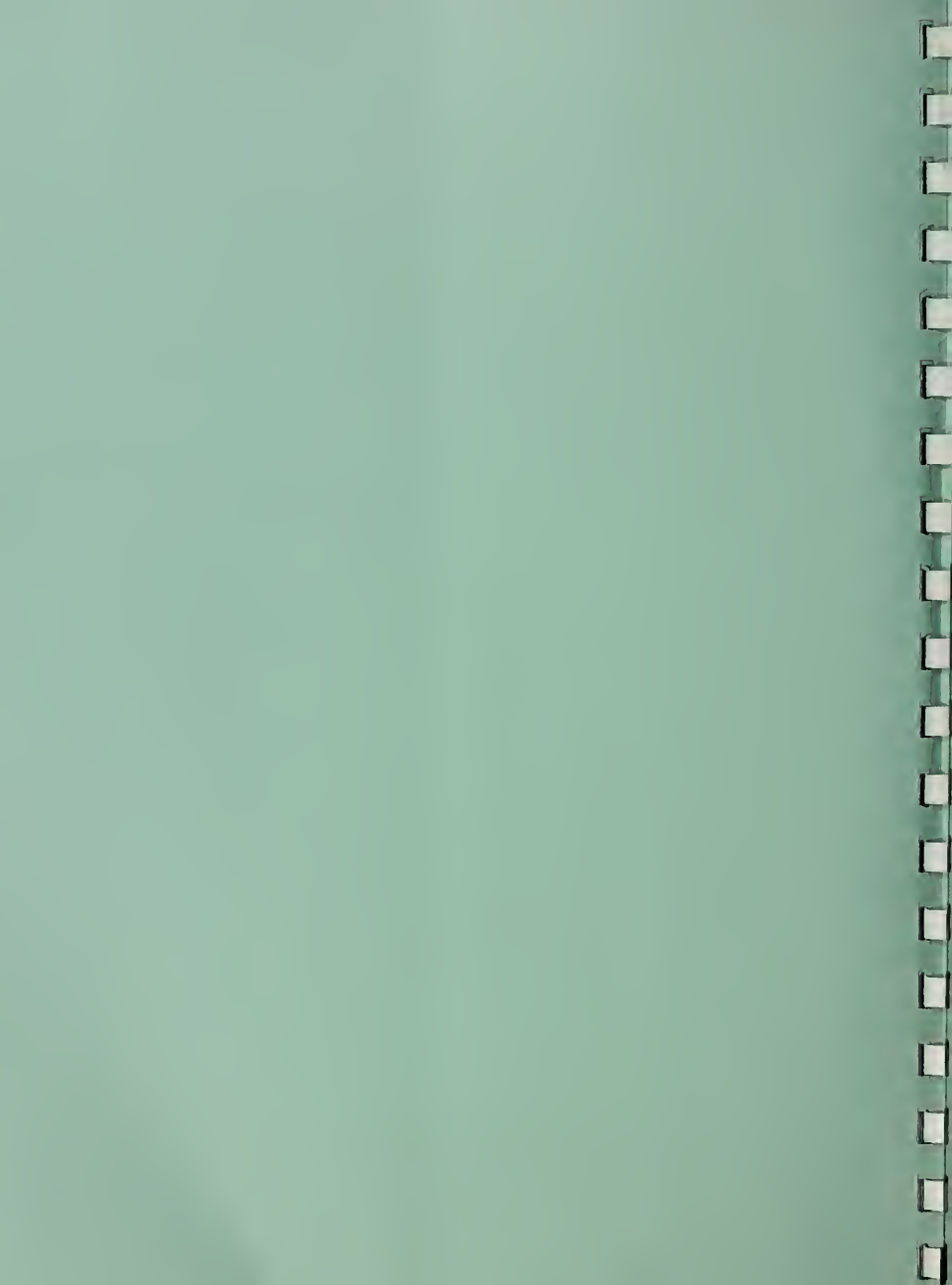
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FOR

FOREWORD



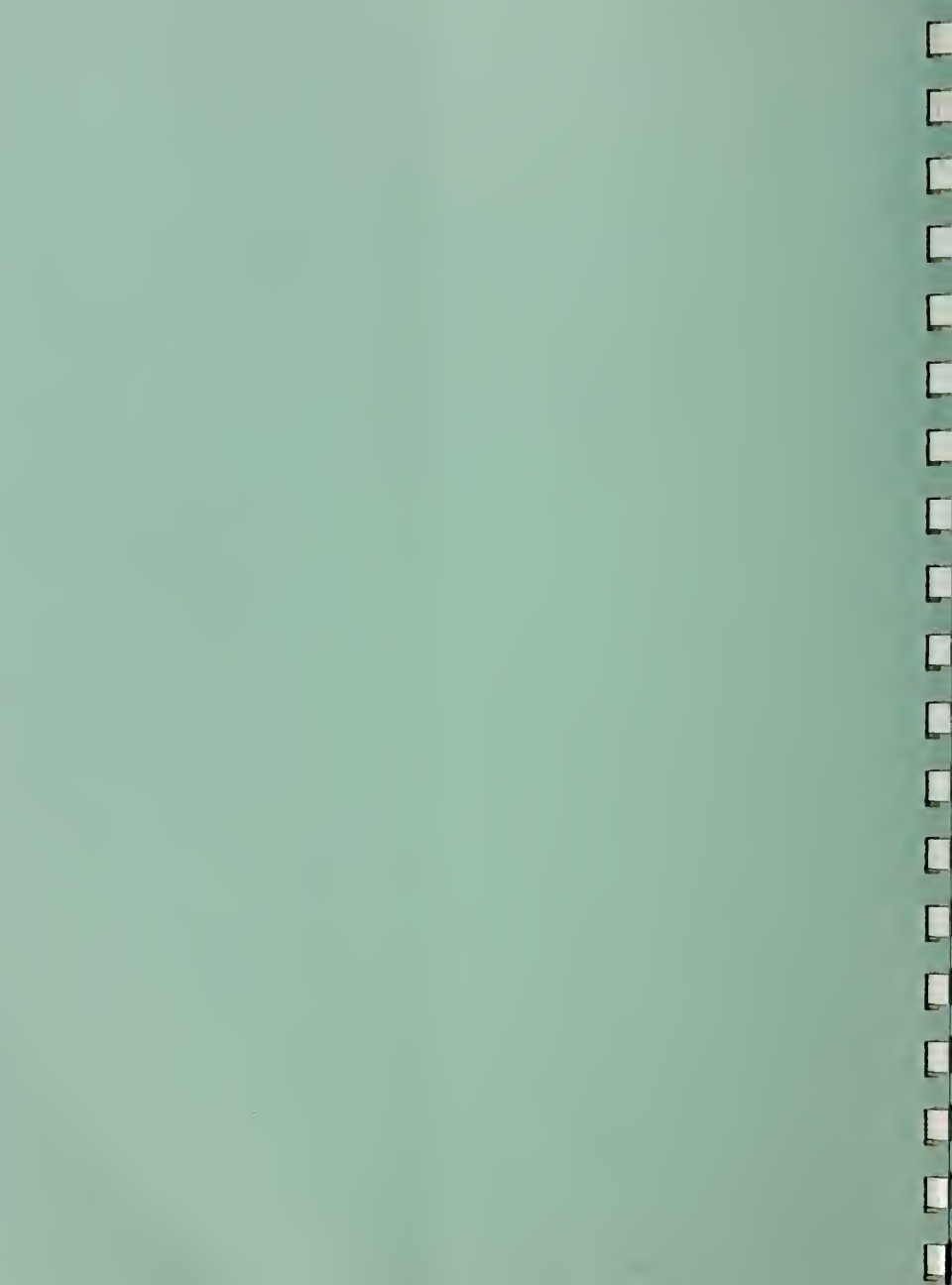


FOREWORD

This document is a 20 year plan for the community of Opportunity. It has been prepared through considerable effort by the citizens of Opportunity. Many meetings have been held to finally arrive at a plan for the community. At nearly every public meeting, the need for a comprehensive plan was questioned. It is important to set forth the reasons why it is necessary this plan be adopted and implemented.

This planning project was initiated by the decision of the County Commissioners to extend the jurisdiction of the Anaconda - Deer Lodge County City - County Planning Board to cover all of Deer Lodge County. Planning for Opportunity has been given priority because of federal requirements that a community have a land use plan before a sewer grant will be approved. This requirement is made to protect the public's investment in the sewer system. If there is no plan for future growth, the system could be over or under designed. Given a plan for future growth the system can be designed to conform to that plan. This is true for all public improvements, from streets to schools.

There are other reasons why planning is desirable. Americans, because of their frontier heritage, have a tradition of using land to its full economic potential, sometimes without consideration of other values, aesthetic and social. After all, if one piece of land became "used up" or unfit to live on, the pioneer could move on to another. Today, the pressures on land as a basic resource have become so great that we can no longer move on to greener pastures. There aren't any.



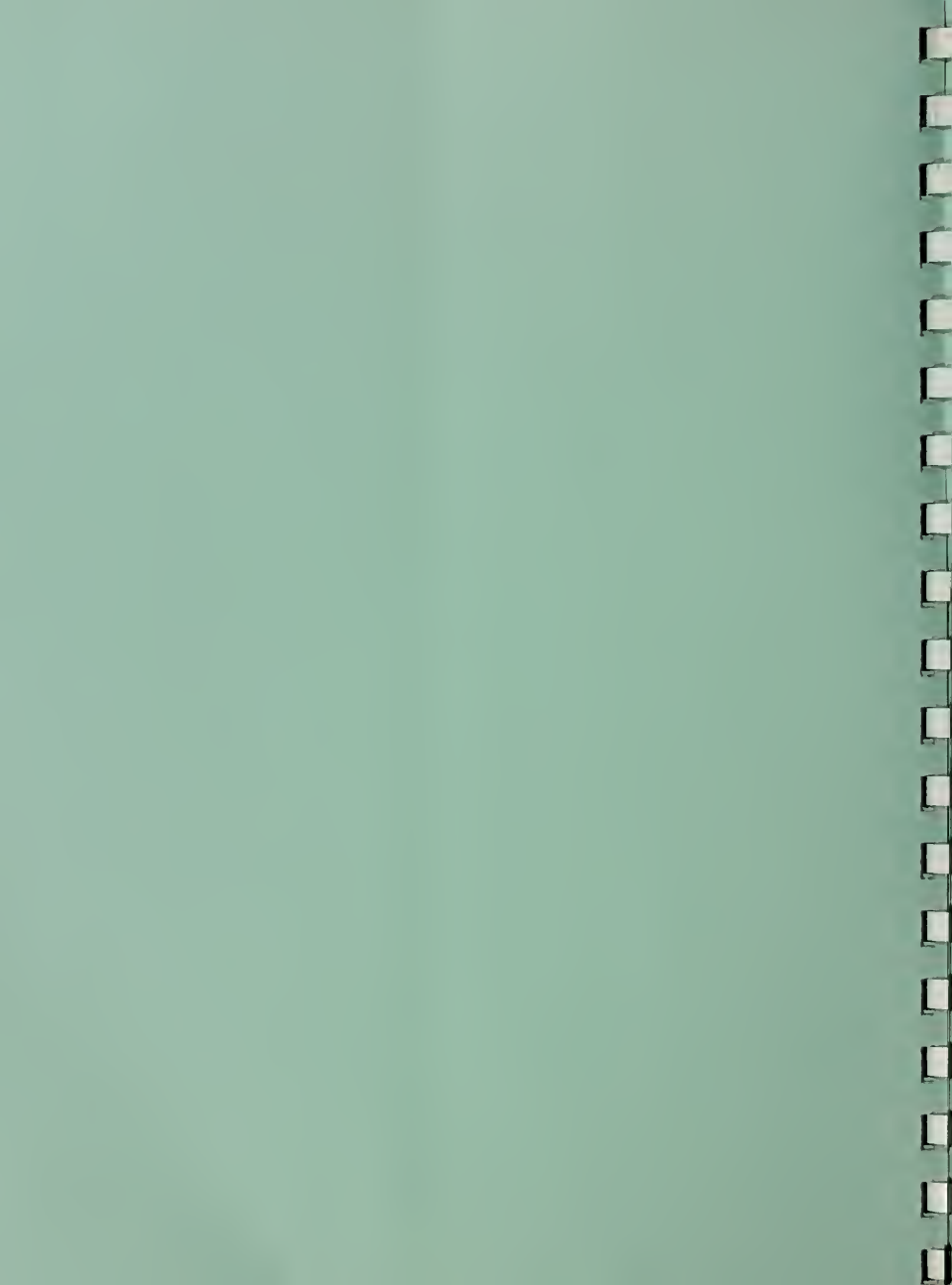
We have come to realize that developable land is limited and should be carefully used. Land use planning provides a basic legal framework within which public officials and private citizens can work towards the orderly development of land and resources.

It is important that each property owner realizes that he has the responsibility of stewardship to his land. He must be aware that his use of the land will govern its usefulness to future generations.

Land use planning and zoning can be viewed as a method of anticipating nuisances. Even the English Common Law defined nuisances and provided that they could be abated and abolished by court order. However, until a nuisance comes into being, it cannot be directly challenged in the court. Also, the burden of seeking court action falls upon the injured party, which causes hardship on those who have little money.

A land use plan is based on certain principles regarding the compatibility of given land uses. For example, a large night club with flashing neon signs is not compatible with a quiet residential neighborhood. A land use plan attempts to separate land uses which, under most circumstances, are incompatible. By providing a legal means to implement the plan, citizens are anticipating nuisances. They are insuring that their health, safety and welfare and the value of their properties will not be adversely affected by a future incompatible land use.

Since planning and zoning are performed as an extension of the police power of the community, the individual property owner does not have to

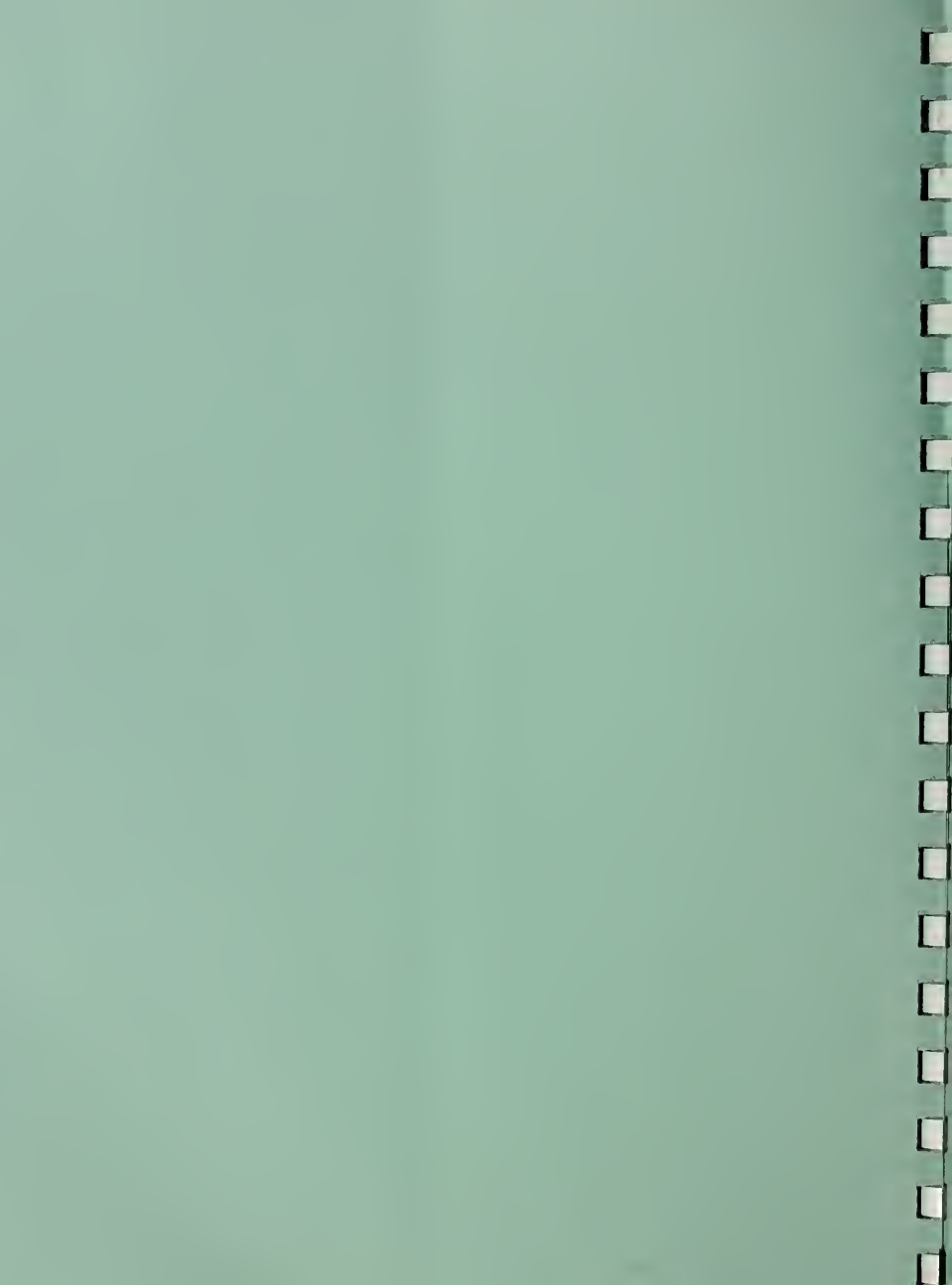


initiate a court trial to halt a nuisance. He simply takes his complaint to the appropriate review board which has the staff to investigate the matter. The expense to the property owner is minimized.

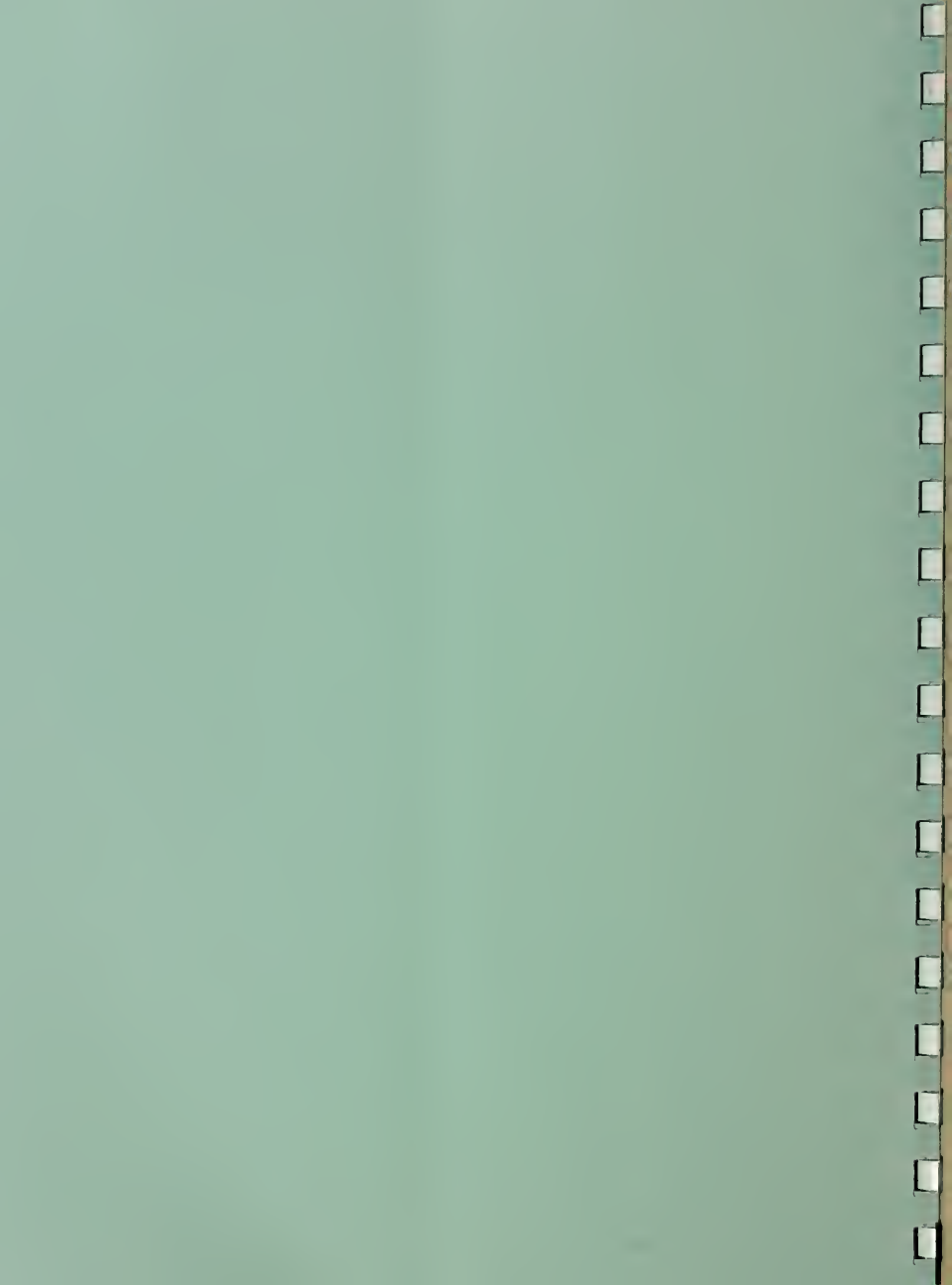
A major advantage of land use planning and zoning is that a review process and the criteria for review are established. Because the action of a developer in changing the use of his land or in subdividing his tracts affects the entire community, the community should have the power to review the developer's actions. For example, a new business may generate a great deal of traffic near a school; Or a great increase in the population of a given area may overload a sewer line, causing additional costs to the community if the line has to be replaced.

Through zoning and the administration of the zoning resolution, the community can review a developer's actions before he begins construction, or subdivides. Such a review is not arbitrary, however. The Board of Adjustment and other review agencies are governed by the land use plan and the requirements of the zoning resolution when they make their decision. Of primary importance is the health, safety and welfare of the residents of the community. A few people may be asked to forego personal gain for the good of the entire community.

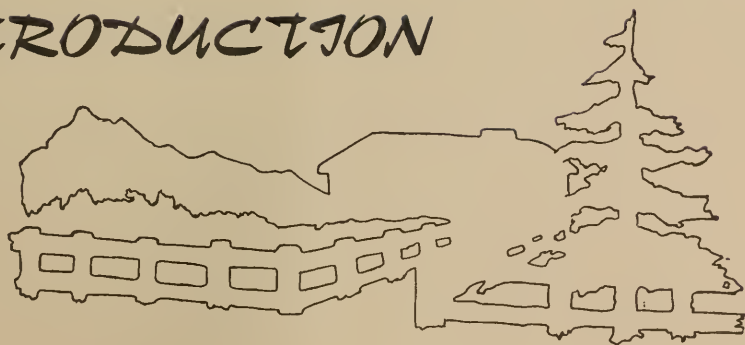
One question which bothers many people is: "Will zoning raise our property taxes?" The answer is no. By Montana statutes, county appraisers have only one guide in establishing the appraised valuation of a piece of property. This guide is the market value of the land as established by sales of property in the immediate vicinity. The more subdivision in an

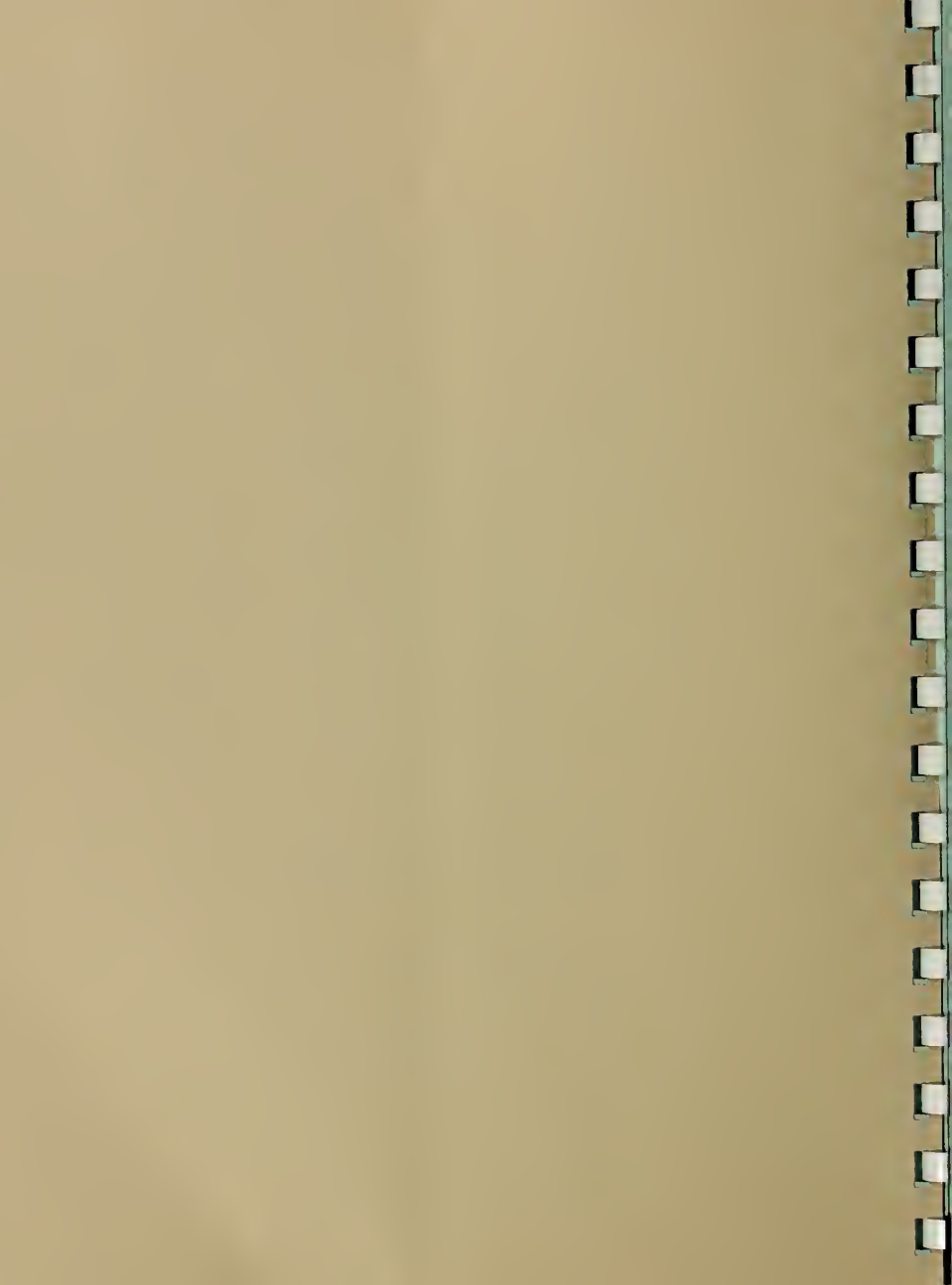


area and the more money people are willing to pay for a piece of land, the higher the appraised valuation of all parcels in the area will be. County appraisers do not create the market nor do they act arbitrarily in interpreting market values. They must be able to prove that their appraisals reflect the actual market value of a piece of property.



INTRODUCTION





CHAPTER I

INTRODUCTION

Section 1.1: GENERAL

This report is the first of several to be developed in the first year of Deer Lodge County's County-Wide Comprehensive Planning Program. The ultimate goal of the planning program is to provide for continued economic and population growth, while maintaining the natural beauty and recreational qualities of Deer Lodge County.

Because of federal requirements for a utility system grant and citizen concern over development trends, Opportunity was singled out as needing immediate attention. The planning program for the community of Opportunity has been accelerated to meet these pressing needs.

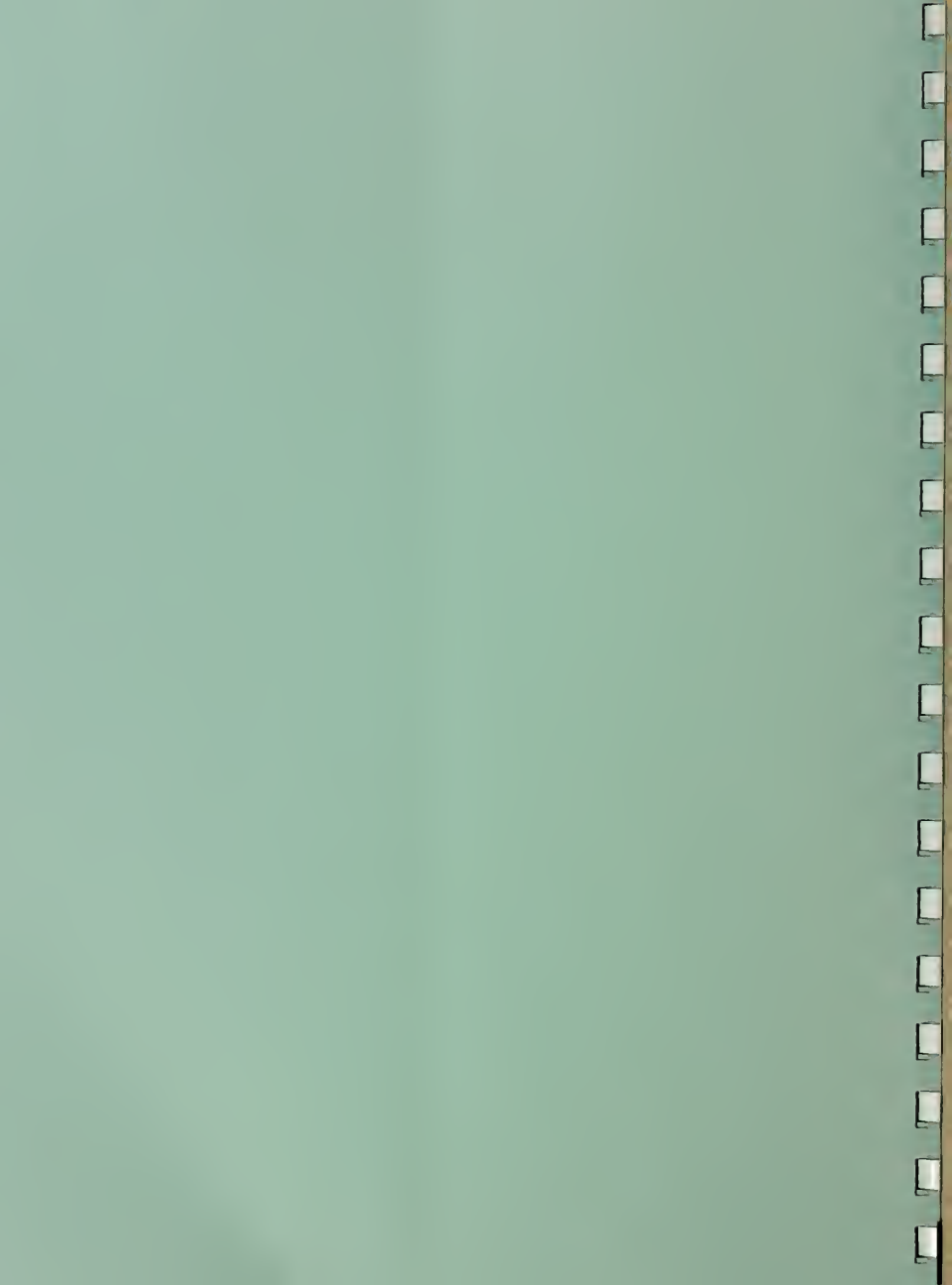
Section 1.2: REPORT PREPARATION AND ORGANIZATION

Inventory data, from field surveys and research, was collected during August and September of 1972. All inventory maps and the analyses are based on conditions and trends evident at that time.

Several meetings between the planning consultant and residents of the community were held. The first three of these were community-wide meetings held to generate community inputs and reaction. A committee was then selected to finalize the community's goals and to summarize community attitudes concerning future land use. Data collected by this committee was used, in conjunction with the inventory data and analyses of the consultant, to develop the land use plan.



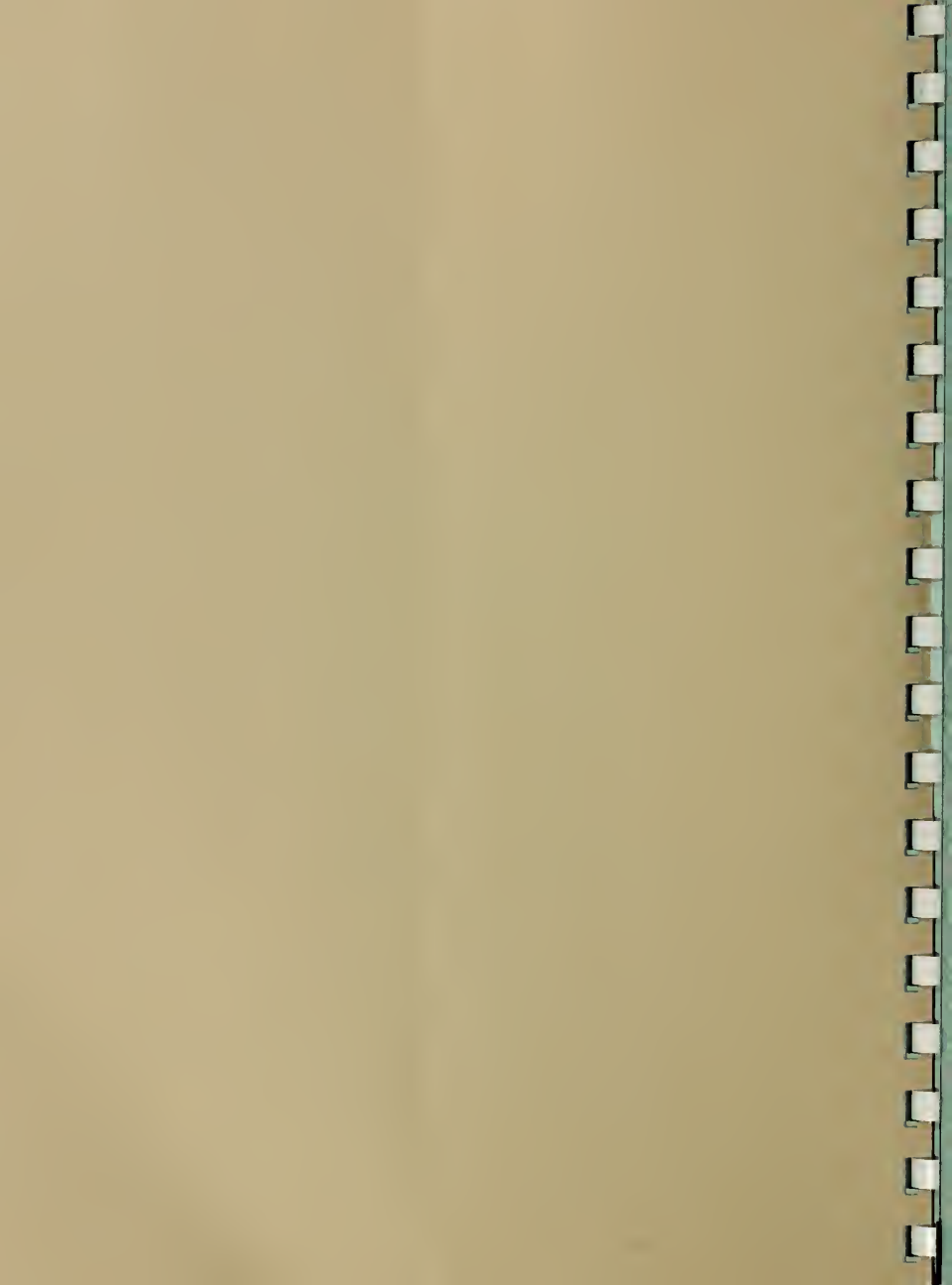
This report describes and sets forth the inventory data that was collected, analyses of the data and finally presents a land use plan for the community of Opportunity. Chapter IV describes the tools that are available to implement the land use plan. Following review and adoption of this plan, a zoning resolution will be prepared.



chapter two

INVENTORIES





CHAPTER II

INVENTORIES

Section 2.1: CONDITION OF STRUCTURES

A field survey of residential structures was conducted to locate and quantify deteriorating or substandard housing. This survey consisted of a "windshield" evaluation of each structure in accordance with Department of Planning and Economic Development methodology and criteria. In addition to the structural evaluation, the type of construction, condition of yard and estimated age of the structure were noted.

Table A summarizes the results of the field inventory for Opportunity.

Table A
Condition of Structures Summary

<u>Type of Construction</u>			<u>Condition of Structure</u>		
	<u>Number</u>	<u>Percent</u>		<u>Number</u>	<u>Percent</u>
Frame	216	71	Very Good	114	37
Mobile	59	19	Average	80	26
Stucco	14	5	Deteriorating	60	20
Brick	1	0	Substandard	51	17
Other	15	5			

Total Number of Residential Structures - 305

Obviously Vacant Structures - 6



<u>Condition of Yard</u>			<u>Estimated Age of Structure</u>		
	<u>Number</u>	<u>Percent</u>		<u>Number</u>	<u>Percent</u>
Very Good	38	13	0 - 10	68	19
Good	92	30	10 - 30	71	24
Fair	77	25	30 - 50	85	28
Poor	98	32	50 +	89	29

Figure 1 shows the location and relative numbers of deteriorating and substandard housing. The study area has been divided into 16 planning analysis subareas. Each subarea has been shaded to show the percentage of substandard and deteriorating structures. Numbers in the boxes show the total number of structures and the number of substandard and deteriorating structures in each subarea.

Section 2.2: THOROUGHFARES

Thoroughfare inventory data is shown on Figure 1. Stewart Street and Hauser Avenue are paved as is Leslie Avenue from Highway 10 A to Stewart Street. Toole Street, which connects the golf course area to Highway 10 A is also paved. Other streets in Opportunity are either gravel or dirt.

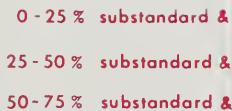
Stewart Street and Hauser Avenue are designated as Federal Aid Secondary highways. The section of Stewart Street from Highway 10 A east to Hauser Street has a total width of 40 feet including two 12 foot driving lanes, parking lanes, gutter and curb. From Hauser Street east to Interstate 1-90, the roadway width is 28 feet with two



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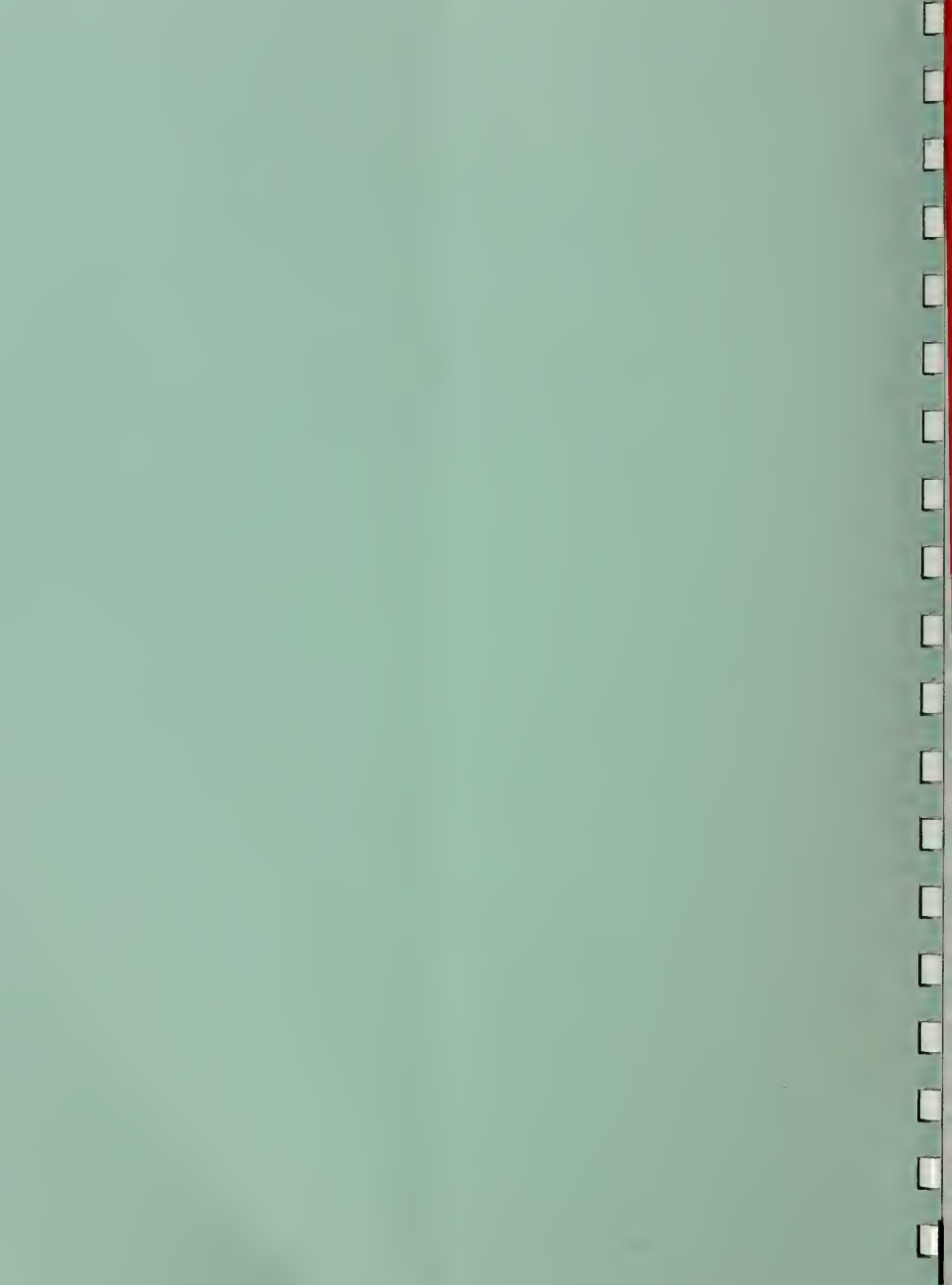
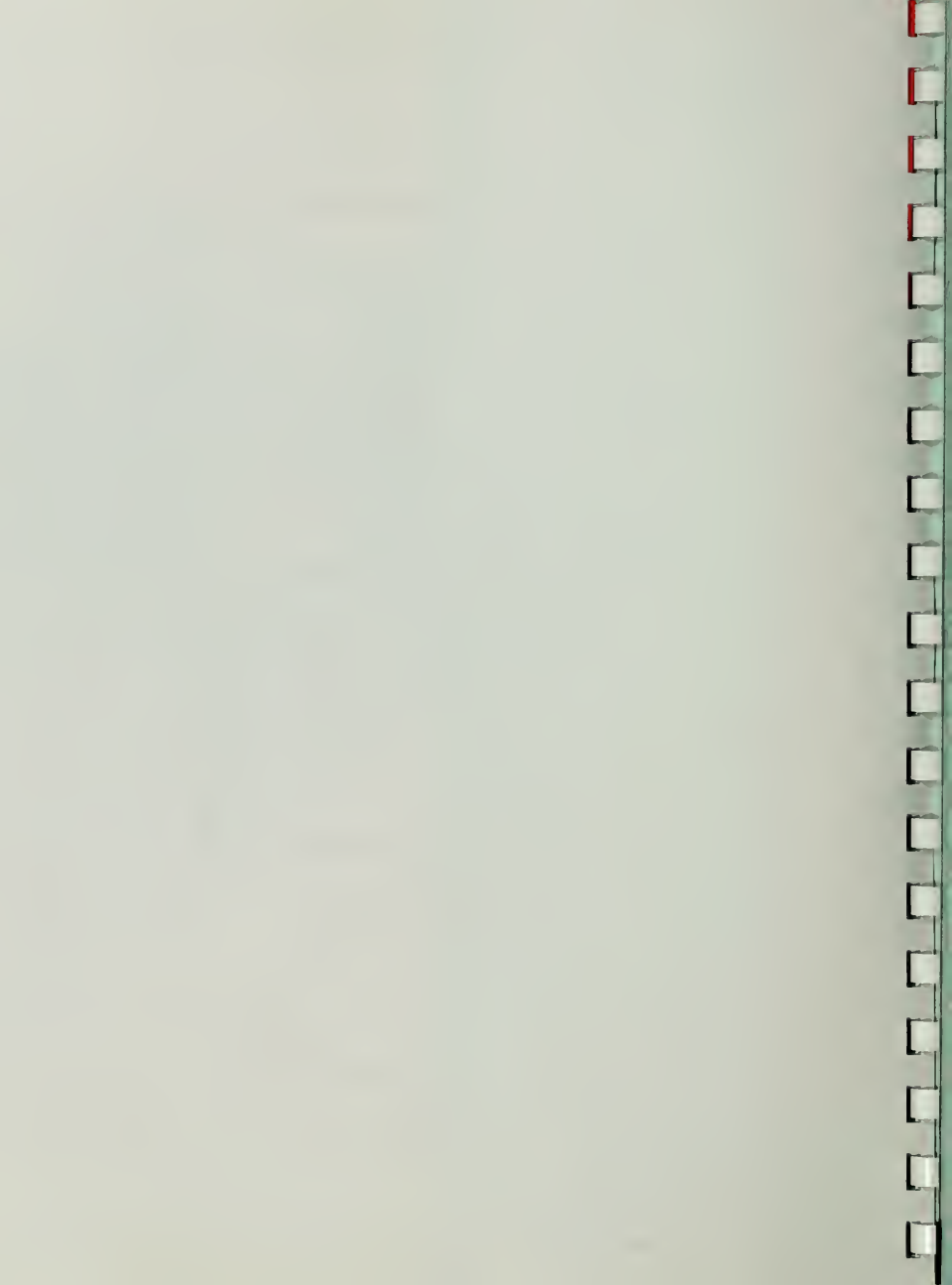




Figure 1



12 foot driving lanes. Hauser Street has a roadway width of 28 feet with two 12 foot driving lanes. The paved portion of Leslie Avenue is 22 feet wide. Widths on the unimproved local gravel streets range from 14 to 22 feet.

Table B gives the tentative categories assigned to each street as well as the length of each facility. There is a total of 10.4 miles in the street system (including Toole Street), with 4.7 miles paved and 5.7 miles unpaved.

Table B
Thoroughfare Inventory Summary

Street Inventory					
<u>Street Name</u>	<u>Street Function</u>	<u>Length (miles)</u>	<u>Width (ft.)</u>	<u>Surface Type</u>	<u>Vehicles Per Day</u>
Stewart Street (Hwy 10A - Hauser Ave.)	Arterial	1.0	40	Paved	850
Stewart Street (Hauser Ave. - Schuyler Ave.)	Arterial	0.6	28	Paved	200
Hauser Avenue	Arterial	1.2	24	Paved	350
Toole Street	Arterial	1.5	22	Paved	NA
Leslie Avenue (Hwy 10A - Stewart St.)	Collector	0.4	22	Paved	NA
Leslie Avenue (Stewart St. - Rickards St.)	Collector	0.3	20	Gravel	NA
Rickards Street	Collector	0.8	22	Gravel	NA



Dixon Avenue	Collector	0.8	22	Gravel	NA
Edgerton Avenue (Smith St. - Dixon Ave.)	Collector	0.2	22	Gravel	NA
Smith Street	Collector	0.3	22	Gravel	NA
All others	Local	3.3	Varies	Gravel	NA

NA - Not Available

The bridge across Mill Creek on Hauser Avenue is classified as in poor structural condition by the Montana State Highway Department. Most other creek crossings in the area are by culverts, although there are two smaller bridges which are in fair condition.

U. S. Highway 10 A, a four lane divided highway with limited access borders Opportunity on the south and provides convenient access to places of work and shopping in Anaconda, 4.2 miles to the northwest.

Traffic counts at various locations are given in Table C. The counts were taken in 1971 and represent average daily traffic (ADT).

Table C
Traffic Counts

<u>Location</u>	<u>1971 ADT</u>
Highway 10 A - FAP 47 Junction	
West of junction	4,834
Highway 10 A, east of junction	2,991
FAP 47, northeast of junction	1,781
FAS 273, north of junction with FAP 47	450



Highway 10 A - FAS 274 junction	
FAS 274, south of junction	482
Highway 10 A - FAS 275 junction	
Highway 10 A, west of junction	2,986
FAS 275, east of junction	850
Highway 10 A - FAS 539 junction	
FAS 539, north of junction	334
Highway 10 A - Interstate 90 junction	
Highway 10A, west of junction	2,190
FAS 275, east of Silver Bow Creek	200

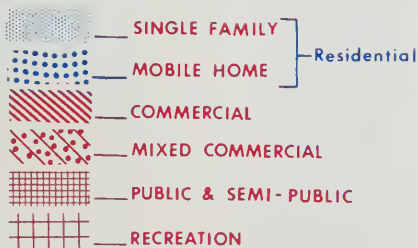
Section 2.3: EXISTING LAND USE

Locations and acreages of the various land uses within the Opportunity Sewer District boundaries were determined by field surveys and from aerial photos. These land uses are shown on Figure 2. A summary of land use by category is given in Table D.

Table D
Existing Land Use Summary (acres)

	<u>Acreage</u>	<u>Subtotal</u>	<u>Percent of Total</u>
Residential		225.0	24.8
Single Family	204.5		
Mobile	20.5		
Commercial		4.2	0.5
Commercial	0.8		
Mixed Commercial	3.4		
Public and Semi-Public		18.0	2.0

LEGEND



OPPORTUNITY

Figure 2



DEER LODGE COUNTY COMPREHENSIVE PLANNING PROGRAM EXISTING LAND USE & COMMUNITY FACILITIES



NORTHWEST PLANNERS
HELENA, MONTANA

Comprehensive Grant Contract No. CDA-MT-98-CN-0054-100-1
Prepared under contract for the Department of Planning and
Regional Development, State of Montana and the Deer Lodge
County Planning Board.
The preparation of this map was financed in part through
the Urban Planning Grant from the "Department of Housing
and Urban Development" under the provisions of Section
VI of the Housing Act of 1954 as amended.



LEGEND

-  SINGLE FAMILY
 -  MOBILE HOME
 -  COMMERCIAL
 -  MIXED COMMERCIAL
 -  PUBLIC & SEMI-PUBLIC
 -  RECREATION
- Residential**

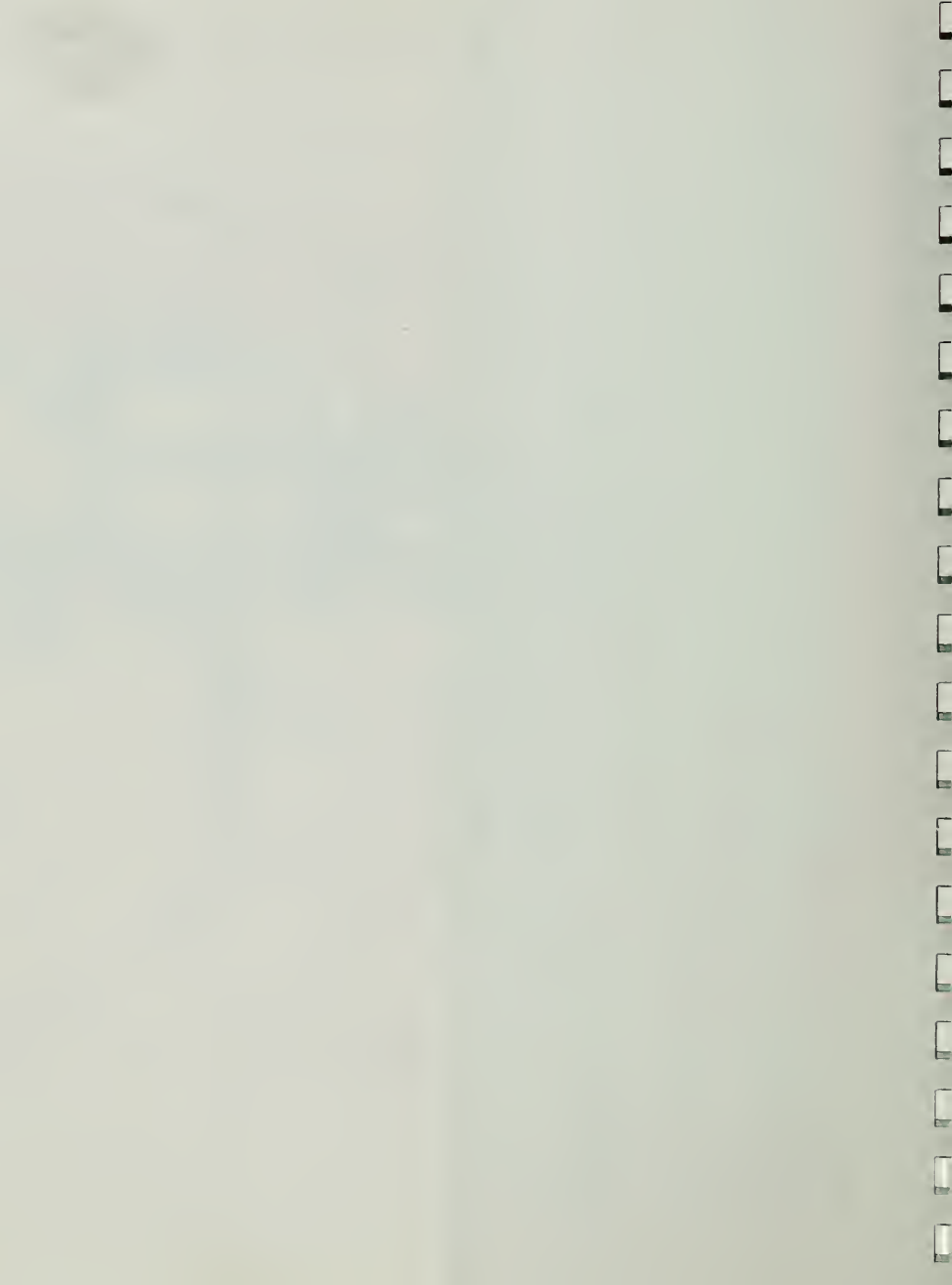
-  Beaver Dam School
-  Fire Station & Community Hall

OPPORTUNITY
Figure 2

0 100 200 400 600 800 1000
SCALE IN FEET

DEER LODGE COUNTY COMPREHENSIVE PLANNING PROGRAM EXISTING LAND USE & COMMUNITY FACILITIES

 NORTHWEST PLANNERS
HELENA, MONTANA



Streets	68.9	7.6
Open or Undeveloped	<u>587.9</u>	<u>65.1</u>
Total	903.6	100.0

Residential acreages were determined on the basis of a structure and its immediate yard. The Mixed Commercial category was assigned to those businesses operated in a home or out-buildings, even though the primary use of that area is residential. These mixed uses include a beauty shop, a welding shop, a bottle shop, a body shop, and an appliance repair service. Public and Semi-Public acreages include the school, the Community Club, Fire Station and a telephone company substation.

To determine the extent to which the original large tracts have been subdivided, a tabulation of lot sizes was made using a list of property owners within the Sewer District. This tabulation is shown in Table E.

Table E
Lot Sizes

<u>Lot Size (Acres)</u>	<u>Acreage of Lots</u>	<u>Percent of Total</u>	<u>Number of Lots</u>	<u>Percent of Total</u>
0- .99	41	6.0	76	28.0
1-1.99	105	13.0	87	32.0
2-4.99	152	19.0	49	18.0
5-9.99	297	38.0	41	15.0
10+	<u>188</u>	<u>24.0</u>	<u>18</u>	<u>7.0</u>
Totals	783	100.0	271	100.0



Table E shows that nearly 80 percent of the lots in Opportunity are less than 5 acres. The original community was platted in 10 acre tracts. There has been a strong tendency to parcelize the larger units of land, especially in the northwest sector of the community.

Section 2.4: COMMUNITY FACILITIES

Community Facilities serving Opportunity include the Beaver Dam Elementary School, the Community Club and the Fire Hall.

The school consists of three portions: 1) an original brick structure housing two classrooms, the kitchen-lunchroom, library, teacher's lounge, the Principal's office and storerooms; 2) a 1959 addition with four classrooms; and 3) a 1969 prefabricated addition with two classrooms.

While the older portion has been well-maintained and remodeled, it is approaching the end of its design life. The classrooms and lunchroom are large enough, but rooms for other uses are very small. Classrooms in the additions are large and well-equipped.

Land uses around the school are primarily residential. A mixed commercial use is located to the northeast, but does not interfere with school activities. The 15 acre site is bounded by Mill Creek to the north, Rickards Street to the south, and Hauser and Norris Avenues to the west and east. Playground equipment includes slides, monkey bars, and a paved outdoor basketball court. There is no indoor gymnasium.

The Community Club, built in the 1930's, serves as the community meeting place and as the center for community social events. The frame building is

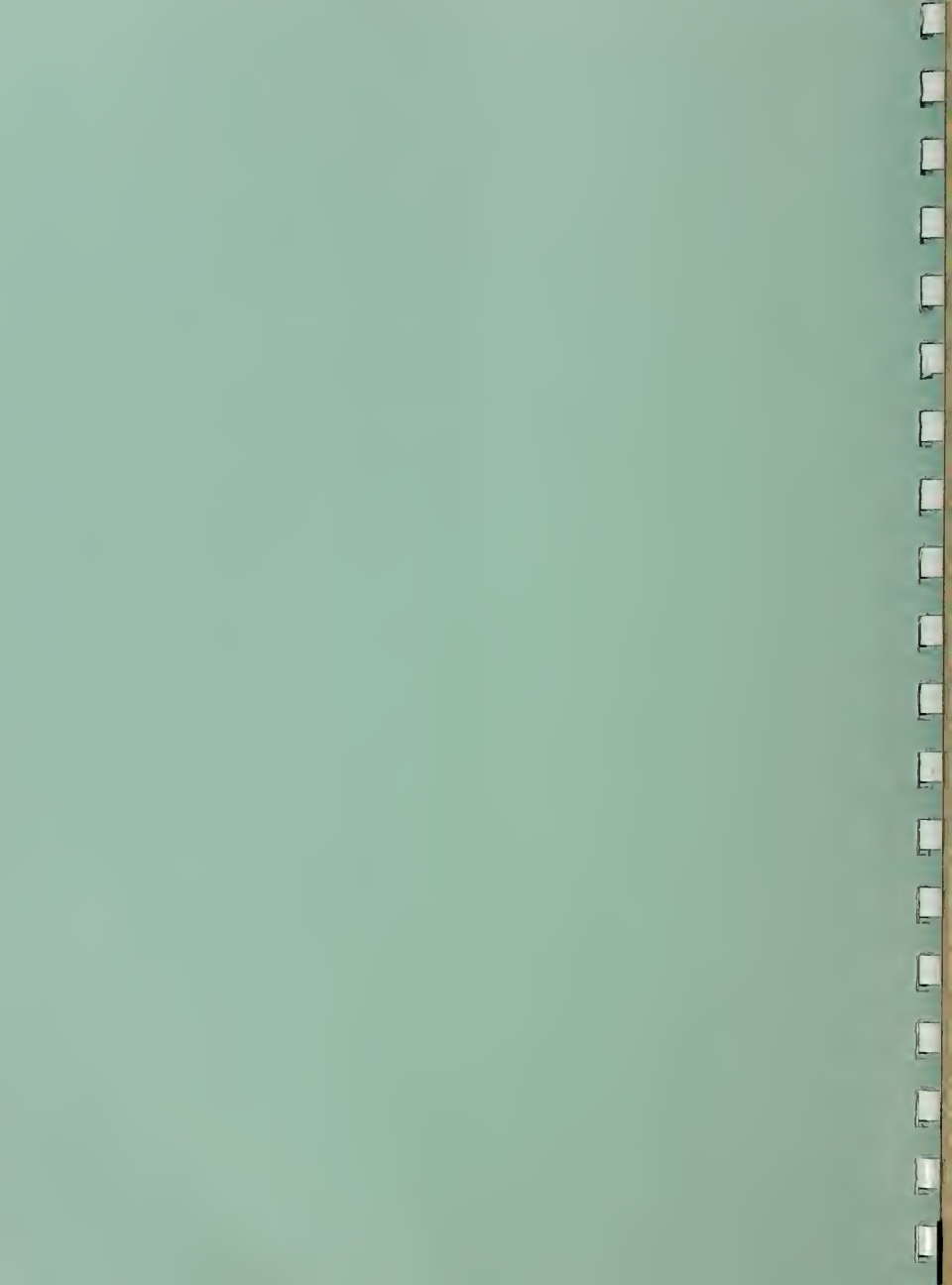


in average condition and contains a kitchen, storeroom, and a large meeting space with 2,400 square feet gross floor area. A paved parking area surrounds the building. The 2.4 acre site is shared with the Fire Hall. There are no restroom facilities.

Built in 1959, the Opportunity Fire Hall is in excellent condition, and contains 1,740 square feet of gross floor area. Two bays are provided for the fire truck and the ambulance. The rest of the building is office, storage and operations space.

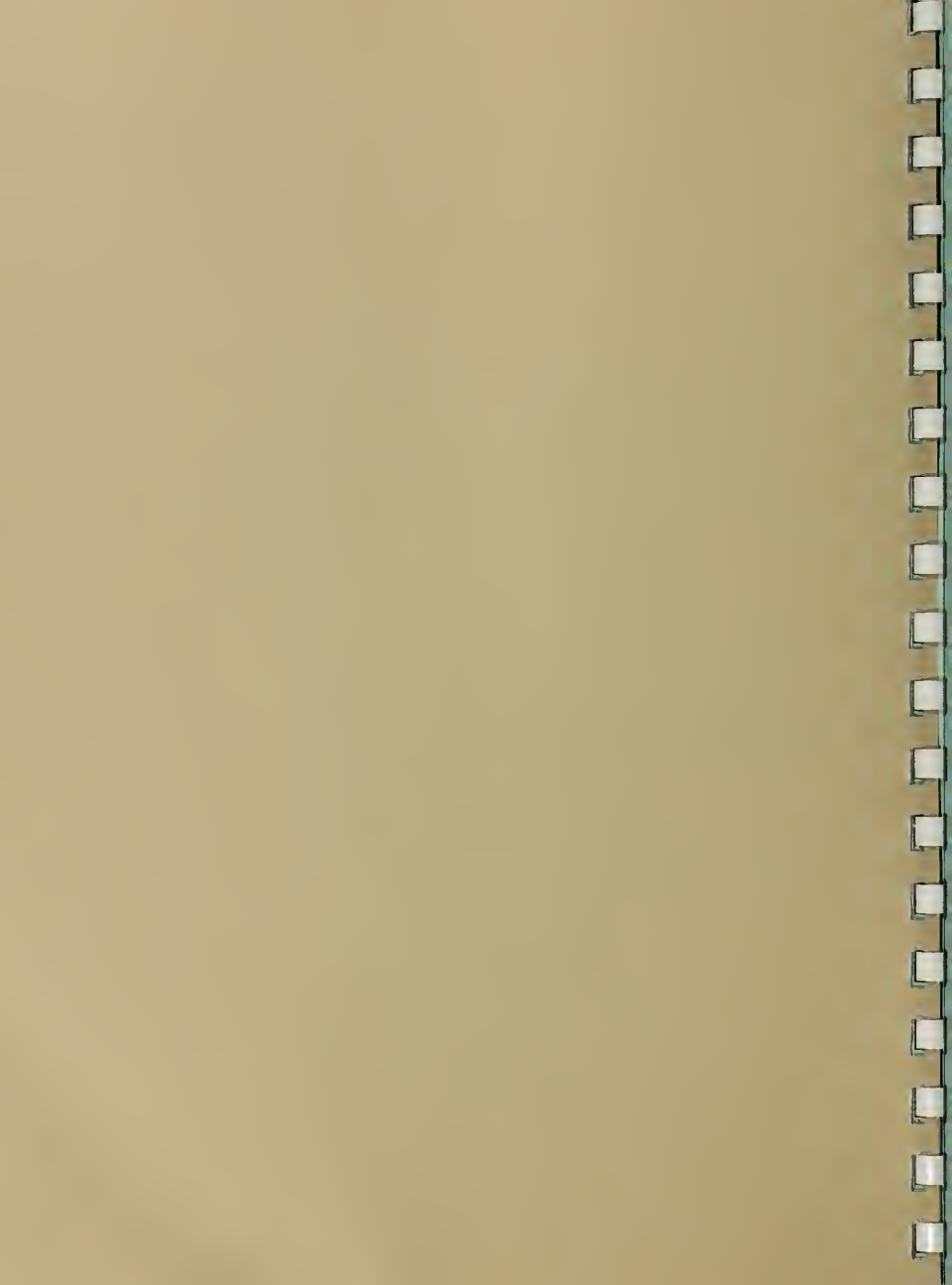
Not directly related to the community but affecting it, is the Anaconda Country Club, with a nine hole golf course, a two story club house and a maintenance building. The Country Club occupies a 117 acre site north of the community.

A subsurface drainage system and irrigation ditches handle drainage. These are discussed further in Section 3.4.



ANALYSES AND PLANS





CHAPTER 111

ANALYSES AND PLANS

Section 3 1: POPULATION PROJECTIONS

A survey taken by the Opportunity Zoning Committee in November, 1972 showed a total of 930 persons in Opportunity. This, based on the occupied dwelling unit count of 299, results in 3.11 persons per household, which is slightly lower than the 3.19 persons per household determined for the Deer Lodge Valley Census Division by the 1970 census.

In April, 1971, the Sewer District's engineering consultant counted 270 housing units. A September, 1972, survey by the planning consultant staff showed 305 housing units. Most of these newer units are mobile homes or pre-fabricated houses. Based upon the average family size, an increase of 35 households would result in an increase of 109 persons, however, school enrollment has been relatively constant since 1960. This indicates that there is a trend toward smaller families in the area. These would include young families with pre-school children and older couples with no children at home.

Table F
Beaver Dam School Enrollment
(Grades 1-6)

1960 - 61	171
1965 - 66	174
1970 - 71	184
1971 - 72	191
1972 - 73	177



Making a population forecast for a small area such as Opportunity is very difficult since the community is unincorporated, relatively free of any development control and has no significant economic base of its own. The future growth of Opportunity will be largely dependent upon development controls within the community and surrounding areas and upon the economy of Deer Lodge and Silver Bow counties.

Surveys have revealed that there has been an increase of 35 dwelling units in the past 1 ½ years. Based on this, Opportunity could expect an increase of nearly 8 percent per year or a population of 3,700 persons by 1990. This would be nearly 1,400 greater than the projected population increase for the entire county. It is not anticipated that such an increase will occur. There are several factors that will have an adverse affect on rapid growth in Opportunity.

The most significant factor will be the change in character of the community. Continued rapid growth would destroy the desirable traits of the community that are presently causing growth. These are:

1. Rural atmosphere with the opportunity to keep livestock.
2. Open space - large lots.
3. Low taxes.

A questionnaire survey conducted in October 1972 determined that these were the primary reasons for locating in Opportunity. All three would be lost if rapid growth were to continue. For this reason, the population for Opportunity has been forecast based on the assumption that the community will continue to constitute between 5 and 7 percent of the total county



population. A more rapid growth would destroy the rural atmosphere by reducing lot sizes and would lead to more stringent land use controls. It would also increase the need for community services. A sewer system is presently needed to serve the existing population. As the financial burden to provide additional services increases, the desirability of living in Opportunity will decrease from a standpoint of lower taxes. There is a possibility of outmigration by long-time residents of the area as the density of development increases. The questionnaire survey showed that over 60 percent of the residents had lived in Opportunity for over twenty years. This indicates that the present living conditions are desirable to the majority of the residents.

Population estimates for Deer Lodge County and Opportunity are given in Table G. Estimates for the county are based on past and predicted ratios between the county and state populations. State population forecasts were made by the U.S. Census Bureau. Opportunity can be expected to have an increase in population, in terms of both absolute numbers and as a percent of the county resulting in a 1990 population of 1,165 persons.

Table G
Population Projections

	<u>County Population</u>	<u>Opportunity as % of County</u>	<u>Opportunity</u>
1960	18,640	-----	NA*
1970	15,652	5.1	800(est.)
1971 (April)	NA*	-----	890(est.)*



1972 (November)	NA*	-----	930(actual)
1980	16,670	6.3	1,050
1990	17,950	6.5	1,165
1995	18,600	6.5	1,210

* Not Available

** Estimate of sewer system consultant, based on 3.3 persons per household and 270 households. If a 3.1 factor were used this estimate would be 840.

Section 3.2: HOUSING

3.2.01: Number of Units

Field surveys conducted in the Fall of 1972 determined that there were 305 housing units in Opportunity. The exterior condition of each structure was rated according to criteria established by the Montana Department of Planning and Economic Development. This criteria consists of a point rating system based on the condition of foundation, walls, windows, roof and chimney. Based on this rating system, it was determined that 37 percent of the structures were in very good condition, 26 percent were average and 20 percent were in need of minor repairs. These categories made up 83 percent of the total residential structures in the planning area. The remaining units would require major repairs to meet average conditions.

The forecast population for Opportunity shows an increase of 280 persons by 1995. Based upon 3.2 persons per household, the additional population will require 88 new housing units over the next 23 years. In addition, it is estimated that 80 of the existing housing units will



require replacement within this period. Based on the existing average density of 0.34 units per acre, the additional housing would require 30 acres of land or about 5 percent of the existing open land area. This is assuming that future development would follow the rural character of the existing development.

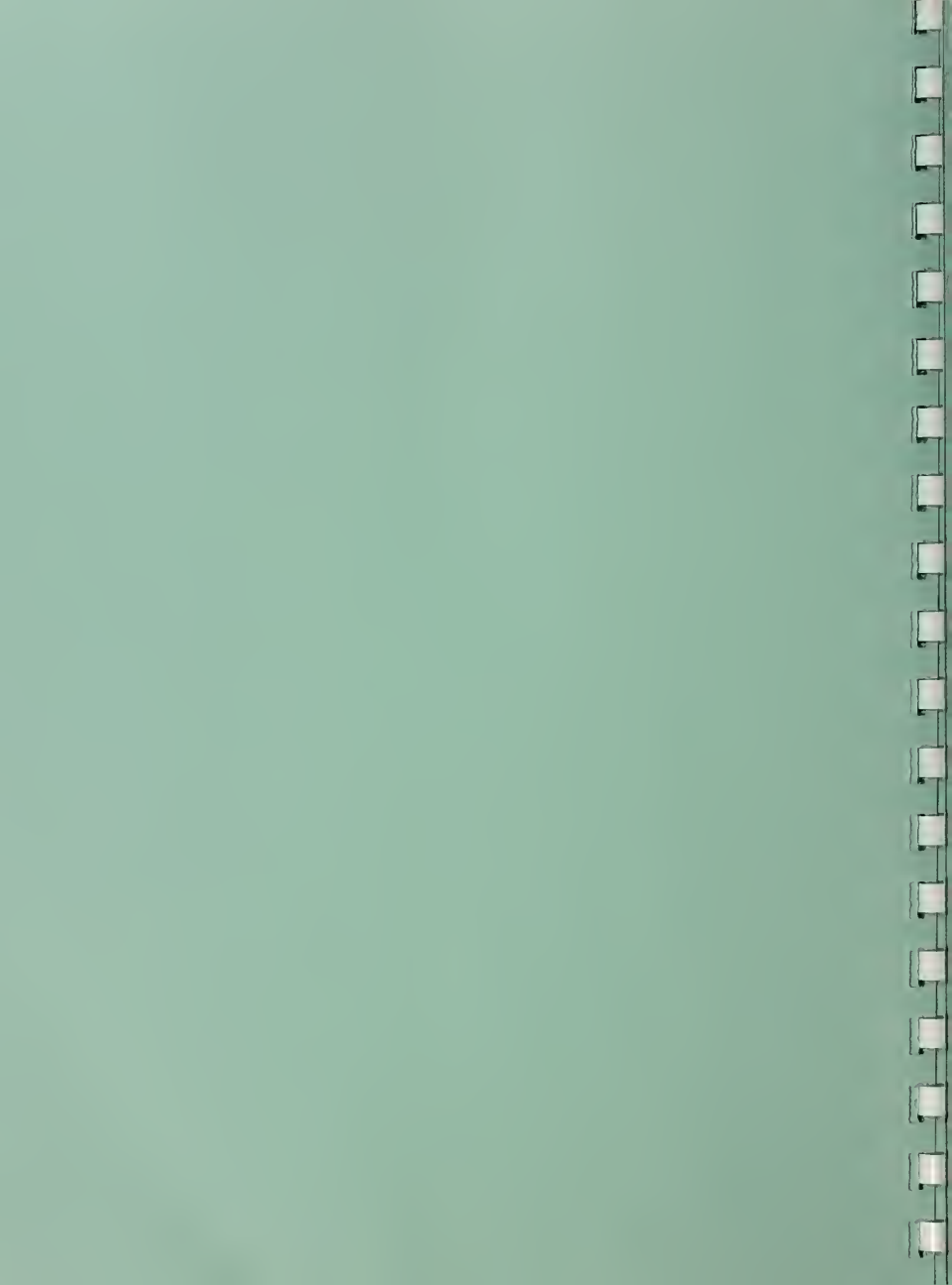
3.3.02: Housing Programs

The Deer Lodge County Planning Board has adopted a set of goals and objectives. One of the goals is to "provide safe, decent housing units for county residents at rents or prices commensurate with their incomes". Specifically, the planning goals related to housing are:

1. Provide a variety of housing types to meet the needs of specific age and income groups.
2. Bring existing deteriorating and substandard housing units in the county up to building code standards and to insure that new construction meets code requirements.

During the development stages of this planning project, the community of Opportunity has exhibited an unusual zeal for self improvement and self determination. To a large extent this entire plan is a reflection of citizen participation during the development stages. For this reason, it is recommended that any effort to upgrade the community's housing supply be initiated at the local level.

First priority should be to improve existing substandard housing conditions through self help programs such as improvement loans or where in-



come levels allow, federal subsidies.

Second priority should be to assist in the development of new housing.

An example of how a housing program could be implemented is outlined in the following steps:

1. Form a housing committee to carry out steps 2 through 5.
2. Define the community housing problems.
3. Determine solutions through community efforts and available state and federal programs.
4. Make the community aware of the problems and possible solutions.
5. Initiate improvement projects.

Step 2 has been substantially completed. Substandard structures have been identified and future housing needs have been estimated. The areas showing signs of blight should be treated to protect surrounding property values and to prevent the spread of blight and deterioration.

A family should not spend more than 25 percent of its gross annual income on housing. Table H shows monthly rental rates and total cost ranges for various income ranges.

The median annual family and unrelated individual income in Deer Lodge County is \$6,808. The median desirable rental for Deer Lodge County would be \$140 and the median total price range would be \$17,000.



Table H
Desirable Housing Costs by Income Group

Desirable Housing Cost Ranges		
<u>Income Group</u>	<u>Rental¹</u>	<u>Ownership²</u>
\$ 0 - \$ 3,000	\$ 0 - \$ 65	\$ 0 - \$ 7,400
\$ 3,000 - \$ 5,000	\$ 65 - \$105	\$ 7,400 - \$12,400
\$ 5,000 - \$ 8,000	\$105 - \$165	\$12,400 - \$19,600
\$ 8,000 - \$10,000	\$165 - \$210	\$19,600 - \$24,500
\$10,000 - \$15,000	\$210 - \$315	\$24,500 - \$36,800
\$15,000 +	\$315 +	\$36,800 +

¹ Monthly rental rate range base on 25 percent, maximum, of gross annual income.

² Home cost range based on 25 percent of gross annual income, 20 year loan and 8 percent interest, not including taxes, insurance and utilities.

This table indicates why mobile homes have become so popular with the lower income groups. It is extremely difficult to build a conventional home that will sell for less than \$12,500. "Only six percent of all new one family homes sold in 1966 for less than \$12,500 and only one percent of all new single family homes insured under Section 203 of F.H.A. sold for less than \$10,000 that year." ¹ Several programs have been set up to aid a homeowner in his purchase. Most of these are shown in Table 1.

¹ Department of Housing and Urban Development, Housing Surveys, Parts One and Two, 1969, page 69.



Table 1

Housing Programs For Low/Moderate-Income Families FHA, HUD, And FmHA

[illegible]



In addition to these programs, loans or grants are available for the rehabilitation of existing housing, code enforcement, demolition of unsound structures and construction of mobile home parks. These federal programs and the method of applying for them should be brought to the attention of the community.

Section 3.3: THOROUGHFARES

Opportunity's street system serves the community efficiently, yet is suited to the rural nature of the community. Two well - designed Federal Aid State (FAS) highways form the backbone of the system and provide access to U. S. Highway 10 A, which skirts the southern edge of the community. Only 7.6 percent of Opportunity's land area is in streets, compared with 30 percent for a typical city.

A tentative assignation of functional categories was given in Table B. This functional classification was made for analysis purposes and based on the following generally accepted categories:

Freeways - Freeways provide rapid movement of large volumes of traffic between major population centers. They have no function other than to provide unimpeded traffic flow, and usually have full control of access with none to abutting properties. U. S. Highway 10 A, while it does permit access from four streets in Opportunity, functions as a limited access freeway.

Arterials - Arterials provide traffic movement between communities, areas in a community and major traffic generators. Generally, they serve as connectors between a freeway and streets which serve developed



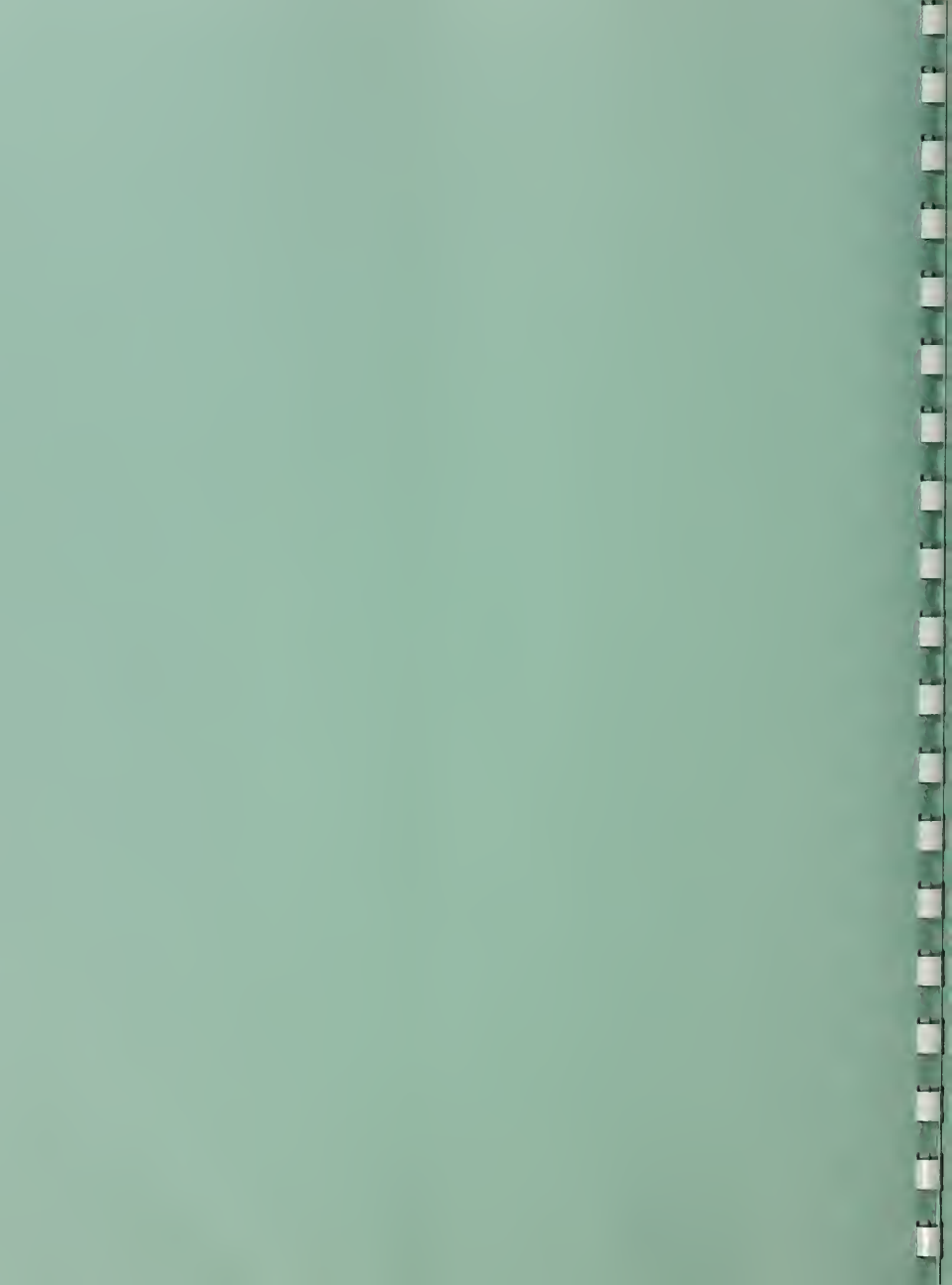
areas. Toole Street, Hauser Avenue and Stewart Street are examples of arterials.

Collectors - These streets collect traffic from local streets which serve as local access routes and deliver it to the arterial system. They provide transition from local streets to arterials and may perform some functions of either. Because of favorable street widths and locations, Leslie Avenue, Rickards Street, Dixon Avenue, a portion of Edgerton Avenue and Smith Street function as collectors.

Local Access - These streets provide direct access to abutting property and should not have through traffic moving on them. All streets not shown as arterials or collectors are considered local access streets.

Categorizing the street system in this manner allows the community to establish priorities for street improvements and to determine what types of improvements should be considered for each street.

Highway 10 A is under state and federal jurisdiction and is adequate to meet future traffic needs. Primary planning considerations for this facility are access points serving the Opportunity area. The access from Toole Street serves primarily the country club. Access from Hauser Avenue, Rickards Street and Leslie Avenue is controlled by STOP signs, which are adequate considering the low traffic volumes on these streets. Access from the unnamed street running south from Smith Street is also controlled by a STOP sign. Access to U. S. Highway 10 A from the area served by this



street can be adequately served by Hauser Avenue. This connection to U. S. Highway 10 A should be eliminated. The community should avoid creating the hazardous conditions caused by uncontrolled access to a major facility such as the individual driveway connections to U. S. Highway 10 A in the West Valley. Uncontrolled access in that area has brought about consideration of a frontage road due to the high accident rate on that section of highway. Access to U. S. Highway 10 A should be limited to Stewart Street, Leslie Avenue and Hauser Avenue.

Stewart Street and Hauser Avenue are presently the major local traffic carriers in the planning area with 1970 volumes of 850 and 350 vehicles per day, respectively. Traffic is expected to increase at a rate of about 4 percent per year, based on past growth trends. This would result in a 1990 volume of 1,900 vehicles per day on Stewart Street and 800 vehicles per day on Hauser Avenue. Both facilities have adequate capacity to handle volumes up to 8,000 vehicles per day on the free flowing sections and 2,500 vehicles per day at the intersection of U. S. Highway 10 A. No major improvements to these two facilities other than periodical maintenance and repairs, will be needed within the planning period.

The Mill Creek Bridge on Hauser Avenue has been rated as structurally poor by the Montana Highway Department. The concrete in this structure is deteriorating, the timber wing-walls are unstable and the bridge lacks a guardrail. The structure is also used as a utility line crossing to the golf course. This structure should be replaced within ten years and will

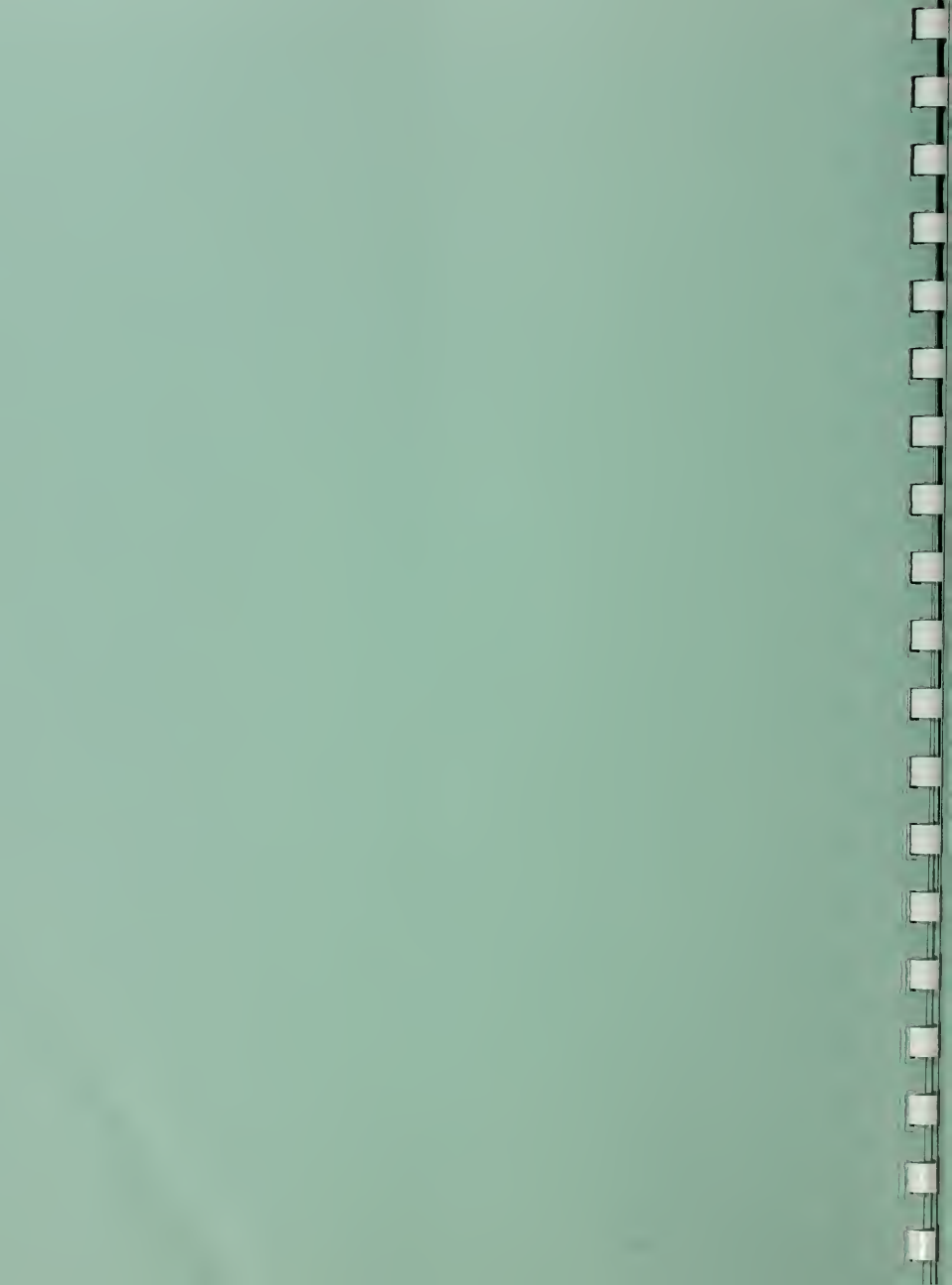


be included as a recommended improvement in the county-wide Thoroughfare Plan.

The existing street widths of the streets forming the collector loop are of adequate width to meet future traffic demands. The only paved section on this system is 0.4 mile of Leslie Avenue from Highway 10 A to Stewart Street. Paving of the remainder of the loop should be considered as part of the county-wide Thoroughfare Plan with priorities established based on a county-wide road improvement rating system.

Local access streets will require maintenance and repair with replacement of some stream crossings within the 20 year period. Paving of these streets would enhance the appearance of the community, reduce travel time and vehicular roadwear and reduce dust pollution during dry periods. Paving by the County is not likely unless there is a drastic increase of traffic on a particular street. The citizens should coordinate efforts to undertake a long range paving program on the local street system either through revenue sharing funds or a rural improvement district.

Seventy percent of the respondents to the community questionnaire survey listed speeding or drag racing as the major traffic problem. Noise from cars and motorcycles as well as pedestrian safety are causes for this concern. The only solution to this problem is increased enforcement. Manpower limitations of the County Sheriff's Department preclude placing a full time patrolman in Opportunity at the present time. Realistic speed limits should be posted, the intent to strongly enforce these limits should be publicized and a spot enforcement program established.



Section 3.4: COMMUNITY FACILITIES

3.4.01: General

Development of community facilities in Opportunity has been in response to the needs of the community. The Community Club, school, Fire Hall and proposed sewer system are all facilities that have become necessary because of increased population in the area. Facilities provided by a community and its civic groups can be grouped as follows:

Cultural - auditoriums or civic centers, churches, libraries, and museums.

Public Safety - offices and operational space for police and fire departments.

Public Service - office and meeting space for governmental administration and operation.

Utilities - water, sewer, gas, lights, and telephone.

Health Care - hospitals, nursing homes, boarding homes and clinics.

Education - public and private schools.

Recreational - parks, playgrounds and other recreation facilities.

3.4.02: Cultural Facilities

Opportunity's location, between Butte and Anaconda and adjacent to the four lane highway connecting the two, makes it easy for Opportunity residents to attend churches, libraries and museums in those cities.



Consequently, cultural facilities are limited to the Community Club, which serves as the civic center and as a town meeting hall for public service purposes.

The Community Club is generally adequate for the existing population and, with proper maintenance, should serve the community through the planning period. Two improvements are recommended. First, there is a definite need for restroom facilities in the community club building. The other improvement needed is an emergency exit on the opposite side of the building from the main entrance. This would provide a fire escape route which would not be near the kitchen which is located adjacent to the main entrance. This improvement will be required to meet Montana Building Codes. One maintenance item noted is the need for a new roof sometime in the near future.

The Community Club is ideally located at the intersection of two arterials and near the geographic center of town. Parking on the paved parking area around the building is adequate for smaller meetings, but at larger town meetings, people have to park across the street or on the street. This is not a serious problem now, but expansion of the paved area, concrete curb stops, and striping of the parking area should be planned for in the future to reduce congestion and to insure that no vehicles will block the fire station doors.

3.4.03: Public Safety

Since Opportunity is unincorporated, police protection is provided by the County Sheriff Department. Unless the community incorporates,



there will be no need for police office space or a jail.

Fire protection is provided by the community's Fire Hall and its Volunteer Fire Department. The fire station was built in 1959 and is in excellent condition. Unless population increases are drastically greater than forecasted, with a consequent demand for new equipment, no expansion or major improvements in the fire station itself should be needed. Office and operations areas are considered adequate.

The Fire Hall houses an ambulance, which is the community's link to health care services in Butte and Anaconda.

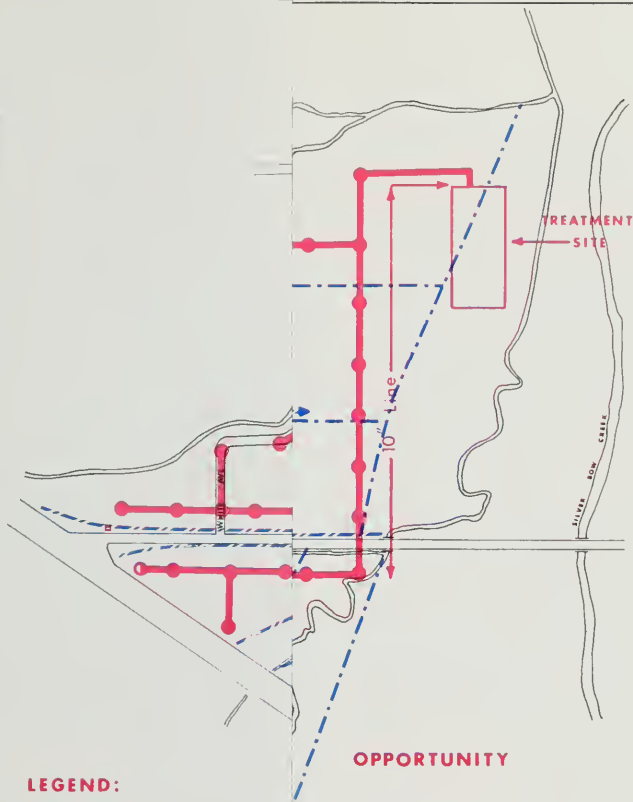
3.4.04: Utilities

Sewer System

A growing concern on the part of Opportunity residents and health authorities over the potential contamination of domestic water supplies by septic tanks and drainfields has led to a preliminary feasibility and design study for a sewage connection and treatment system for the community. A preliminary design of the proposed sewer system is shown on Figure 3. A generally high water table and an increasing density of residential use are the reasons for concern over contamination of domestic water supplies.

As designed, the collection system can handle about 3,200 people and the outfall line can handle about 2,500 people, assuming that the lines are laid on their minimum slopes. The treatment plant, consisting of an aerated lagoon and a polishing pond has been designed to handle about 2,100 people.





DEER LODGE COUNTY COMPREHENSIVE PLANNING PROGRAM

UTILITY SYSTEMS

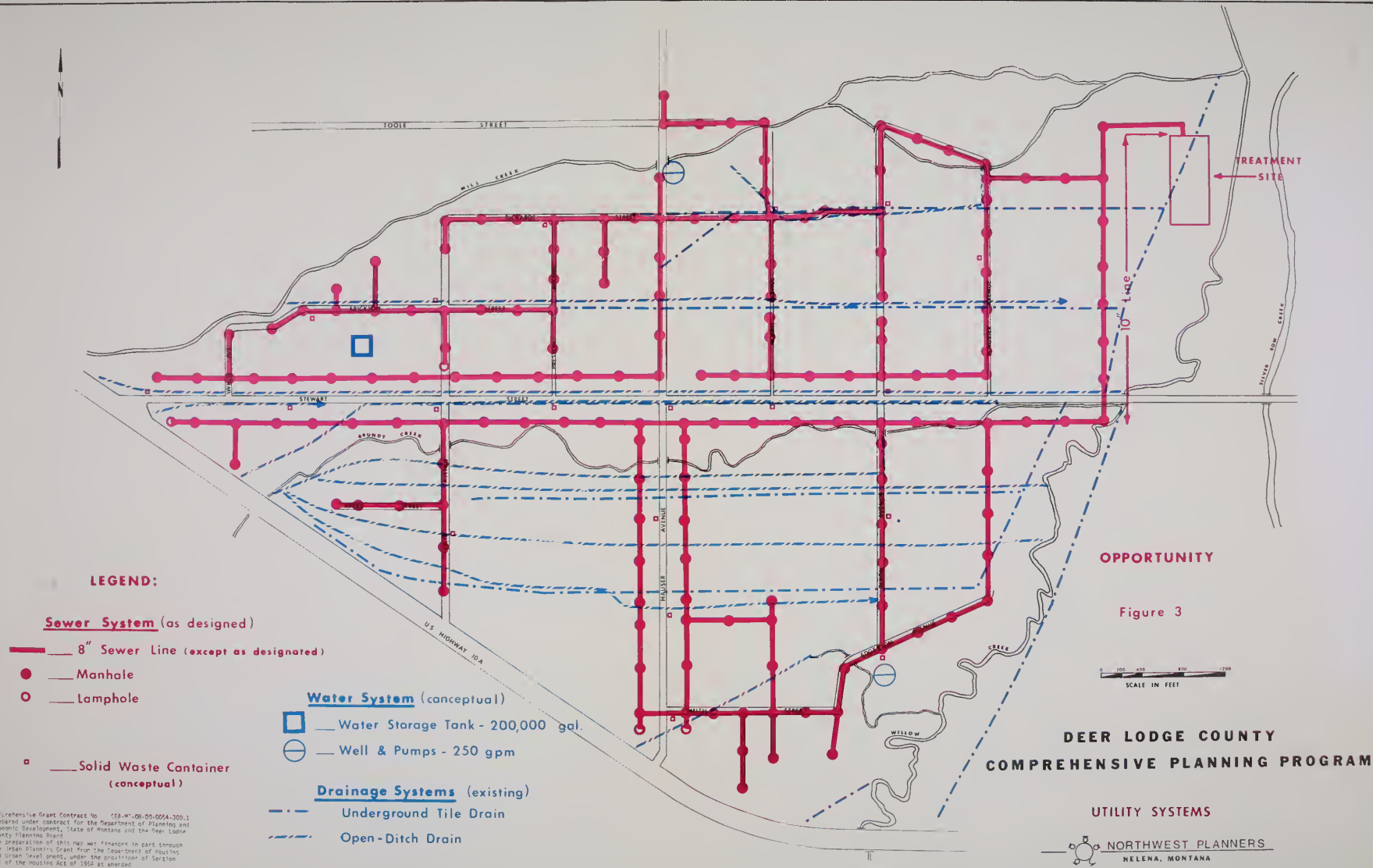


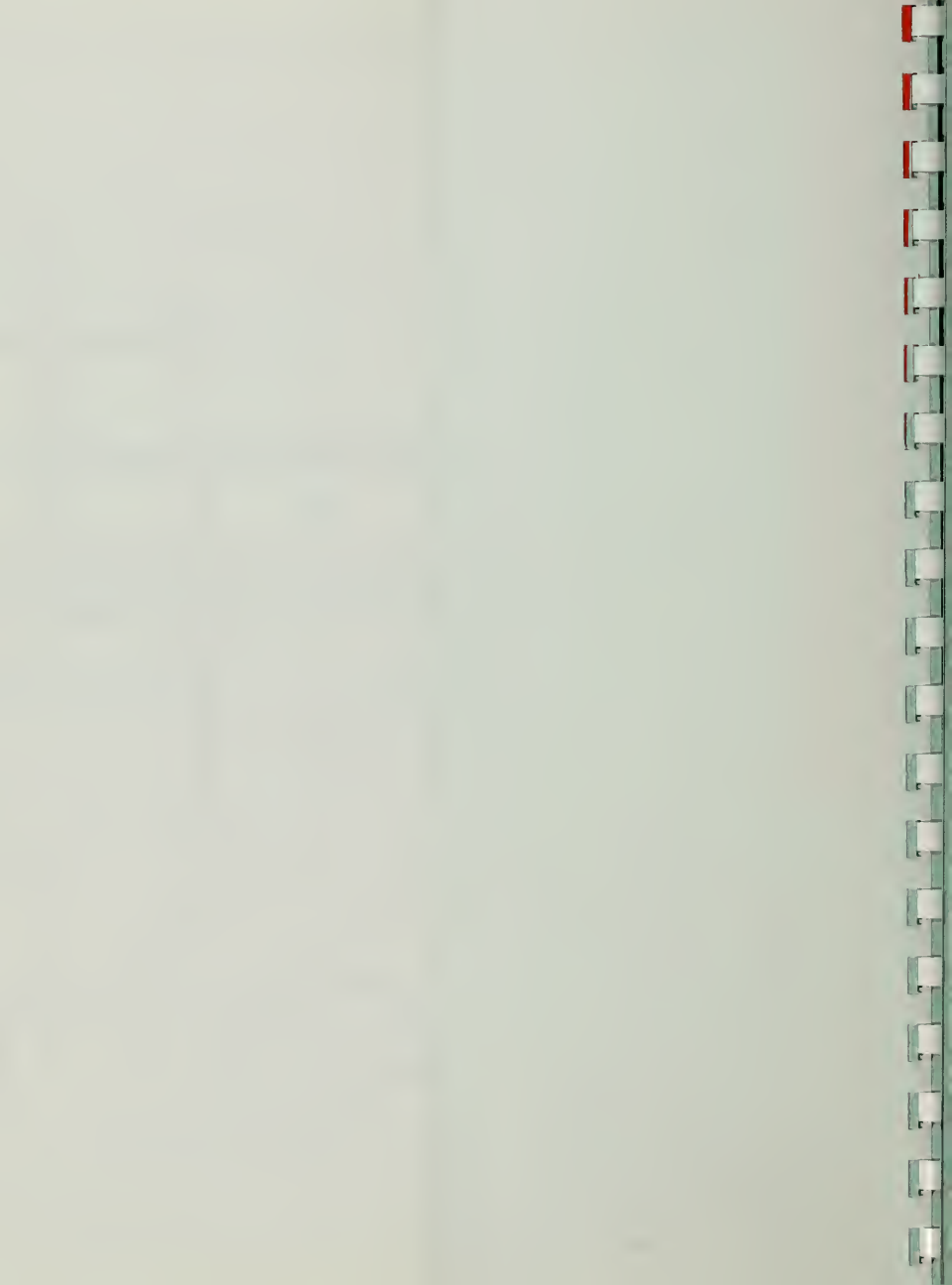
NORTHWEST PLANNERS
HELENA, MONTANA

Comprehensive Grant Contract No. C93A-MT-DB-05-0064-300.1 prepared under contract for the Department of Planning and Economic Development, State of Montana and the Deer Lodge County Planning Board.

The preparation of this map was financed in part through the Urban Planning Grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954 as amended.







Water System

No detailed study of a water system has been done. The consensus of health authorities and engineers is that a central sewer system will solve many of the community's potential problems. Unless the population influx is drastically greater than forecast, there should be no need for a central water system during the planning period. The conceptual water system plan in Figure 3 is taken from the Comprehensive Area-Wide Water and Sewer Plan: 1970 for Deer Lodge County.

Drainage Systems

Recognizing the problems of a high ground water in the area, the original developer, Deer Lodge Valley Farms, installed a subsurface drainage system in 1913. This consists of mostly 12 inch tile drain pipe as shown on Figure 3. The ultimate disposal of the subsurface drainage is into Silver Bow Creek to the northeast of the community. Located throughout the system are concrete sand traps. Maintenance of the subsurface drainage system is handled by the Anaconda Company, since the Deer Lodge Valley Farms corporation is now defunct.

The original deeds to the land in Opportunity state that no structure, fence or other object is to be placed within eight feet of the centerline of the subsurface drain tiles. Also, no households were to be allowed to dispose of their sewage into the tiles. There have been violations for both these provisions.

The Anaconda Company presently maintains the subsurface drainage system. Some problems, caused



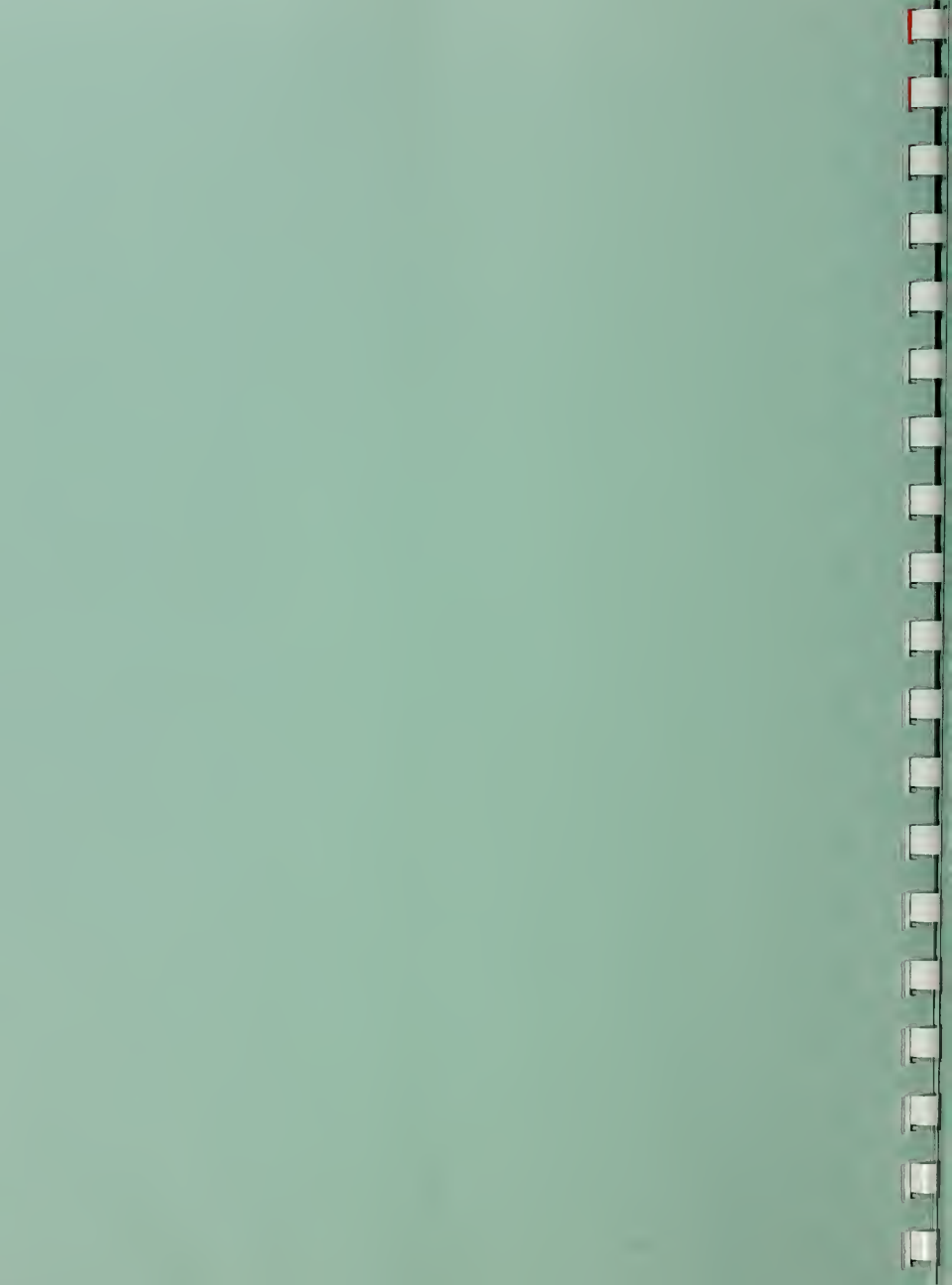
by the age of the system and acids produced by sewage entering some of the drains, have become evident.

Several small open ditches, mostly running west-to-east, serve a dual purpose. Besides supplying water for lawn and pasture irrigation, they handle storm water runoff from some city streets. These ditches are shown on Figure 3. These ditches are owned by the Mill Creek Irrigation Company which was formed in 1914 to supply water to users in the area known as Opportunity Tracts.

Solid Waste Collection

Presently, residents of Opportunity haul their own solid wastes to the landfill northeast of Anaconda. This arrangement is satisfactory to most residents although it does cause some problems in the efficiency of the solid waste disposal system. These are:

1. Some individuals do not dispose of garbage at regular intervals leading to storage of garbage on the premises creating a health hazard. In other cases, garbage may be dumped at a convenient location such as a barrow pit or vacant lot. Once such a dump location is established it is not unusual for other persons to follow suit. There are examples of these two violations in Deer Lodge County.
2. Individual collection increases the scattering of litter along routes leading to the landfill.



3. The large number of individual vehicles at the dump site decreases the efficiency of the land fill operator.
4. Dumping hours and days must be extended so that citizens can dump on weekends and days off. This requires that an attendant be present at the land fill at these times.
5. A variety of containers are used. Some are not satisfactory for refuse storage.

If demand for a collection service becomes great enough, the community may want to consider a system of two-cubic yard garbage containers scattered throughout the community, as shown conceptually in Figure 3. A container would serve about 16 families, assuming twice-weekly collection.

3.4.05: Education

As mentioned in Section 2.4, the Beaver Dam School has 7 classrooms, which gives a capacity estimated at 180 to 200 pupils. The projected 1995 enrollment, assuming that the school enrollment will be roughly 20 percent of the total community population, is about 240. This means that three additional classrooms will be needed.

A 1970 study by the University of Montana School of Education suggests that the old brick portion of the school be removed and that a complex be constructed containing a multi-purpose room, cafeteria, library, office space, storage and work areas, a teachers' lounge, nurse's room and four classrooms. The multi-purpose room should include some facilities for indoor recreation such as volleyball and basketball.



3.4.06: Recreation

Opportunity's recreation facility needs are mostly for playgrounds and a general purpose neighborhood park. The Beaver Dam School would be the logical site for the community's recreation center. Some playground equipment and an outdoor tennis - volleyball - basketball court are on the grounds now. The community may wish to build picnic tables, horse-shoe pits, and a softball field near the creek to the north of the school. These facilities may be eligible for assistance from the Bureau of Outdoor Recreation. The 15 acre tract containing the school is large enough to handle all recreation activities the community may desire.

Because Opportunity is close to both Anaconda and Butte, older children play organized sports in those cities. Regulation size play-fields should not be needed in Opportunity.

Section 3.5: LAND USE ANALYSIS

3.5.01: Development Trends

In establishing the character of Opportunity, and in analysing its' land use patterns, it is necessary to consider the history of the area, present land uses, development trends, the wishes of residents and protective covenants.

Opportunity was platted in 1912 by the Deer Lodge Valley Farms corporation, on land purchased from the Anaconda Company. The original plats were predominantly 10 acre tracts. Since the Deer Lodge Valley Farms (DLVF) no longer exists, all provisions and agreements in original deeds between the DLVF and property owners have reverted to the Anaconda Company.



Covenants in the original deeds excluded businesses of any type, the manufacture and sale of liquor, and temporary structures except while a permanent structure was being built. These covenants run with the land and there is no apparent time limit on them.

Figure 2, and Tables D and E show existing land use patterns and trends. Almost two-thirds of Opportunity is open space and only 25 percent is residential (defined as a house and its immediate yard). There are three businesses and five small mixed residential - businesses occupying 4.2 acres. Streets comprise only 8 percent of the total acreage. Most residents own livestock. On some of the larger tracts, wild hay is grown.

A questionnaire distributed in September, 1972, and a survey conducted by the Opportunity Zoning Committee in November, 1972, provide insight into what residents of Opportunity want for their community. The major reasons most people live in the area are lower taxes, open space, a rural atmosphere and a chance to have livestock. When asked if they planned to change the use of their land, or break it into smaller lots, the majority of residents wanted to maintain large lot sizes and open space. They also want to be allowed to keep livestock.

During the sixty years since Opportunity was platted, many tracts have been subdivided. Table E shows the extent of this subdivision. While 62 percent of the total acreage is still in 5 acre or greater tracts, such lots compromise only 22 percent of the total number of lots. Of the 270 lots shown on the assessment rolls, 28 percent are



less than one acre. Not included in these figures are leased lots where an owner may have leased a small parcel to someone else. Table E indicates that development trends are toward the parcelization of the larger tracts.

It is difficult to categorize the character of Opportunity. The area is too heavily developed to be classed as rural. Yet, there is a great amount of open space and agricultural operations are carried out on a small scale. Despite a strong community spirit, the area is unincorporated. The community has no economic base of its own and almost all residents work elsewhere, or are retired. Perhaps the most descriptive single term would be suburban estates or ranchettes. This term implies low density development with a somewhat rural atmosphere. Also implied is that the area is dependent upon another area for employment.

Is the suburban estate character of Opportunity compatible with the capability of the land? Factors usually considered in evaluating land capability include slopes, soils, ground water, flood plains, aesthetics, and ownership. Factors particularly relevant to Opportunity are soils and ground water. Detailed data on both factors is very limited. However, inferences on land capability can be made.

The fact that Opportunity is located between two creeks and very near their confluence indicates a good probability of a high ground water table. Before houses were built in Opportunity, the developer found it necessary to install a sub-surface drainage system - as shown on Figure 3. These tile drains drain all the community except the extreme northwestern portion, which is somewhat higher in elevation. Well log data generally indicates



that the water table is lower in this area. Near surface water tables were recorded in other areas of the community. Soils data is extremely sketchy. A layer of hard pan clay underlies a good portion of the community at varying depths. Beneath this layer are found sands and water bearing gravel. This combination of a high water table and hard pan layer has led to some problems with septic tank operation. Contamination of shallow wells is a distinct possibility.

At the existing level of development, it appears that the capacity of the soil to absorb wastes with no contamination is being reached. Without a central sewer system and treatment plant, development should be limited to that existing. With a sewer system, the capability of the land will be enhanced and more development could be allowed.

Given the character of the area, the wishes of the residents, the protective covenants in effect, and the limited development capability of the land, it is reasonable to establish large lot sizes as minimums and to otherwise limit the density of development

3.5.02: General Planning Guidelines

The land use plan for Opportunity has been formulated to provide for the compatibility of the various land uses. Some general planning guidelines have been followed in developing the plan. They are listed for each type of land use.

Residential Areas

Residential areas should be buffered from noise, smoke, heavy traffic and incompatible land uses. Streets serving the residential areas should



function as local access facilities with a minimum of through traffic. Schools and parks should be conveniently located within the area minimizing the crossing of major arterials by children using these facilities.

The density of use or number of families per acre and the coverage and location of buildings should be regulated to provide open space within the area.

Schools

School sites should be planned in relation to existing and future pupil population. School sites should blend into adjacent uses such as green belts and parks and should not be subject to extensive noise and traffic. Elementary schools should be located near the center of the neighborhood which they serve. A prime consideration in the location of an elementary school is that small children should not have to cross freeways or arterials to and from school.

Public Buildings

Public buildings, such as civic centers, fire stations and hospitals, should be centrally located and readily accessible. Where possible, they should be situated to improve the community's image and act as a buffer between commercial and residential uses.

Recreation

Recreation areas should be planned to provide facilities for both active and passive recreation. Parks, playgrounds, playfields and private recreation sites should be adequate in size and distributed evenly throughout the community.



Commercial Areas

Commercial activities should be concentrated into areas easily accessible from arterial and collector streets. For the convenience of customers, businesses should be centrally located with several concerns sharing off-street parking facilities. Commercial uses should not be allowed to locate in strictly residential areas served only by local access streets. Small, family-run businesses on residential property should be required to meet restrictions on the type of business, signs, noise and other factors which may be a nuisance to adjacent property owners.

Industrial Areas

Industrial areas should be located where there is good access to railroad lines and major thoroughfares. Heavy industries should have water, power and waste disposal facilities readily available. Locations for industrial uses should be such that odors, noise, traffic and smoke generated by industrial uses is not a nuisance to other uses.

Thoroughfares

Streets should be classified by their function as arterials, collectors or local access, and the design and reconstruction of a street should be in accordance with its function.

Agricultural Areas

Prime agricultural lands should be protected from urban sprawl and "leapfrog" development. More compact development in areas already served by utilities should be encouraged to protect the agricultural land resource.



3.5.03: The Land Use Plan

Figure 4 shows the proposed Land Use Plan for the community of Opportunity. Essential elements of the plan are discussed below.

Flood Plains

As there is no data available on the exact boundaries of the fifty year flood plain for the streams in the area, the flood plain designated are somewhat arbitrary. Generally, the flood plain on Brundy Creek is shown 30 feet each side of the center of the creek. More room should be allowed on the inside of meander curves. Similarly, the flood plain on Mill and Willow Creeks was set at 50 feet, each side.

No permanent structures should be built in the flood plain areas. Uses permitted should be limited to recreation and grazing. All uses should be controlled to protect the streambanks from excessive erosion and to protect wild life habitats.

Public Lands and Utilities

No expansion of the Community Club - Fire Hall site is needed. Enough room should be allowed around the proposed treatment plant for possible expansion of the plant and residences. The entire block around the school should be reserved for school and park purposes.

Commercial

Response to the questionnaire indicated that there is a demand for some commercial activities and services. Land has been reserved at the intersection of the two arterials, Hauser and Stewart, for neighborhood commercial uses.



LEGEND:

RESIDENTIAL

RESIDENTIAL-AGRICULTURAL ESTATES

- 1 ACRE MIN
- 2 ACRE MIN
- 5 ACRE MIN
- 10 ACRE MIN

- MOBILE HOME PARK

COMMERCIAL

- NEIGHBORHOOD COMMERCIAL

PUBLIC & SEMI-PUBLIC

- SCHOOL
- PUBLIC & SEMI-PUBLIC BUILDINGS

Comprehensive Grant Contract No. 1954-10-08-3-0054-300; prepared under contract for the Department of Planning and Economic Development, State of Montana and the Deer Lodge County Planning Board.

The preparation of this map was financed in part through the Urban Planning Grant from the Department of Housing and Urban Development, under the provisions of Section 702 of the Housing Act of 1954 as amended.

OPPORTUNITY

Figure 4

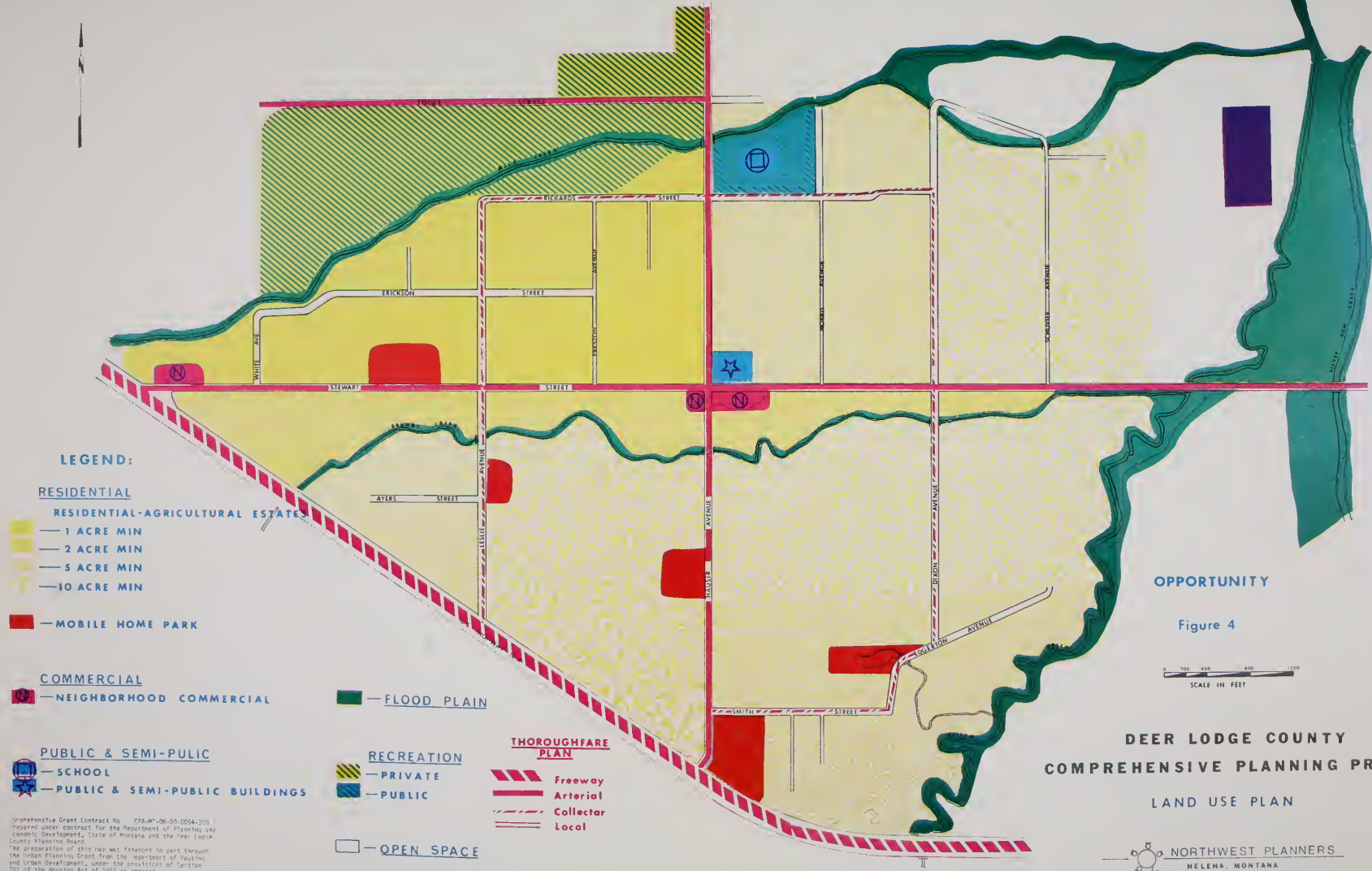


DEER LODGE COUNTY COMPREHENSIVE PLANNING PROGRAM LAND USE PLAN

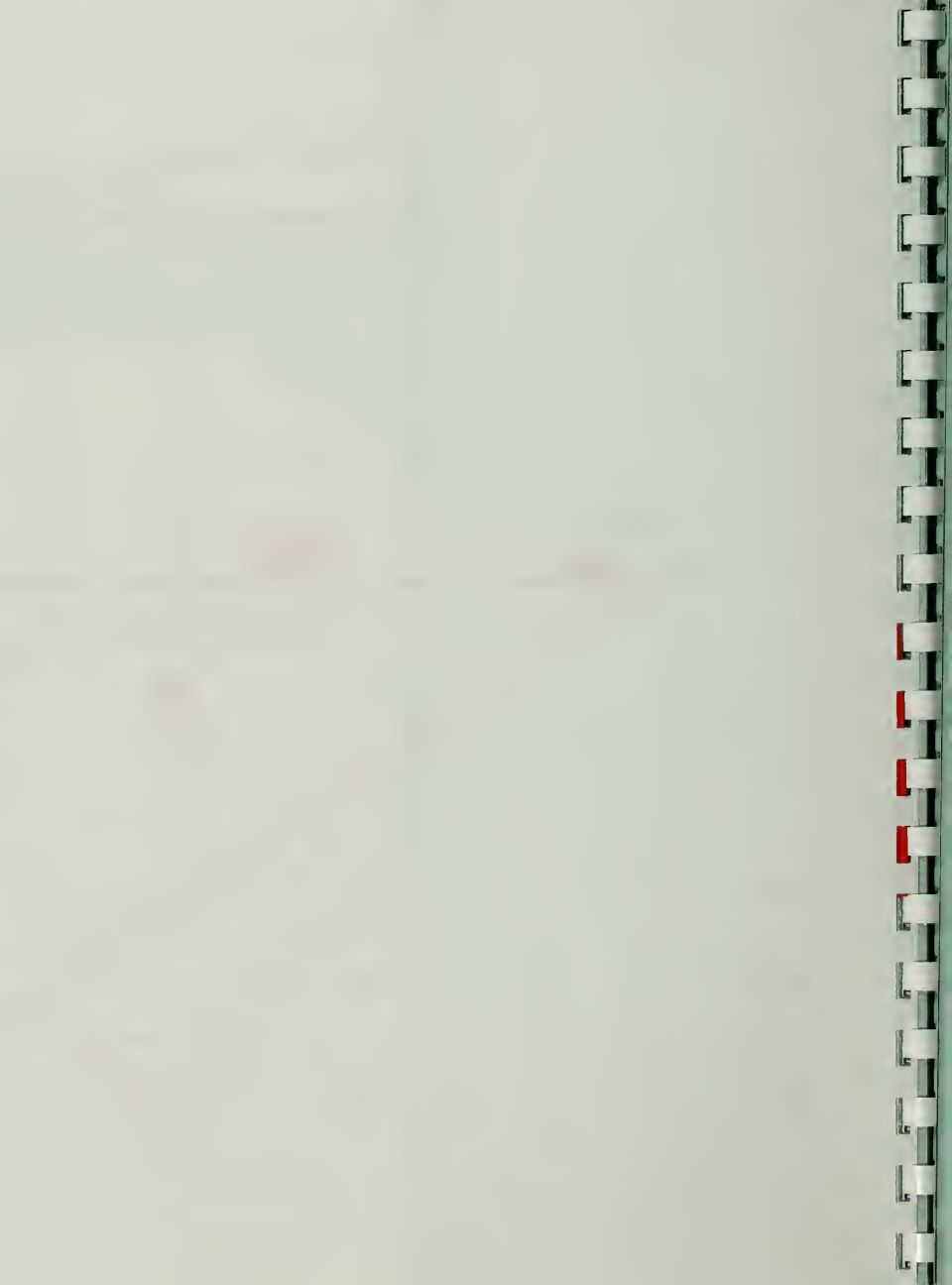


NORTHWEST PLANNERS
HELENA, MONTANA





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 and Urban Development, under the provisions of Section
 701 of the Housing Act of 1964 as amended.



The other commercial area, at the intersection of Stewart and U. S. Highway 10 A, recognizes the existing commercial concern. Any expansion of commercial activities in this area should be highway oriented. Six additional acres of additional commercial land have been provided.

Prime reasons for the location of the commercial areas are traffic and convenience. To avoid increases in traffic on local access roads, the neighborhood commercial area was located at the intersection of two well traveled arterials, both of which can handle substantial increases in traffic. The proposed main commercial area is centrally located near the existing commercial development and will provide convenience to residents of the community.

Mobile Home Courts

Since few questionnaire respondents had objections to mobile homes or mobile home courts, and since most of the dwelling units forecast will be mobile homes, land should be reserved for mobile home courts. The expected demand will justify only one additional court, however. A site has been proposed by a developer. This site is located to the south of Smith Street at its intersection with Hauser Avenue. If a mobile home court is allowed in this area the developer should be required to meet the following conditions:

1. Access to the court should be from Smith Street and Hauser Avenue only with no direct access from Highway 10 A.
2. Mobile homes should not be placed so close to the highway that they block the vision of motorists attempting to enter the highway from Hauser Avenue.



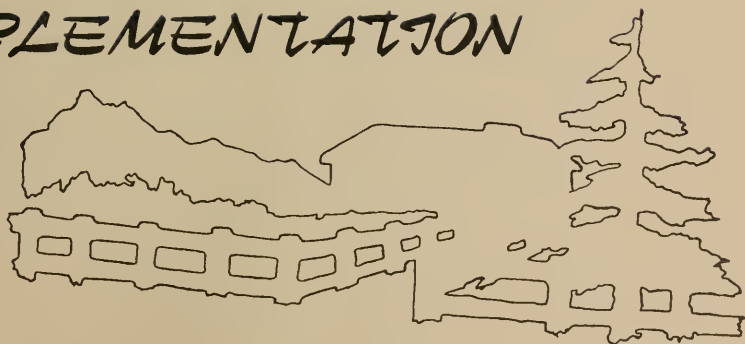
Residential - Agricultural

Opportunity's suburban estate character should be preserved. That this is the desire of residents is made forcefully clear by the results of the Zoning Committee survey. Accordingly, the land use plan calls for estates with minimum lot sizes of 1, 2, 5, and 10 acres. Agricultural activities and livestock would be permitted on all acreages, with the provision that on the one and two acre estates, a limit on the number of head per acre be established. Residential uses on the estates would be limited to single family residences, one per lot, and appurtenant buildings. Certain non-residential uses may be permitted on estate lots subject to approval by the zoning board.

The pattern of estate lot sizes is reasonably close to that desired by residents, with one notable exception. The area north of Stewart and west of Hauser, with its lower water table and relatively dense existing development is shown as 1 acre estates. This minimum is smaller than desired by some residents in the area. Since the capability of the land is greater in this area, it is desirable to channel a greater portion of the forecasted growth into this area.



IMPLEMENTATION





CHAPTER. IV

IMPLEMENTATION

Section 4.1: GENERAL

Acceptance of the proposed Opportunity Land Use Plan by the community and its adoption by the County Commissioners will provide the community with a development policy. To make this policy effective, legally binding methods of implementation must be formulated. Chief among these methods will be the county - wide zoning resolution. There are three options available to Opportunity in regard to zoning for the community. These are discussed in the following subsections.

Since Opportunity is unincorporated, the Board of County Commissioners is the governing body to which residents must turn for action on the Land Use Plan. If implementation of the plan and administration of the zoning resolution is to be effective and impartial, there must be cooperation and communication between Opportunity and the Board of County Commissioners.

4.1.01: Proposed Zoning Option

The three zoning options available are, for identification purposes, termed: 1) Proposed; 2) Unclassified and; 3) Large Tract.

As shown on Figure 7, the Proposed Option follows the Land Use Plan almost exactly. The boundaries and intents of the various zones match the land use plan. To avoid a potential conflict with the covenants the commercial areas shown on the plan were not shown on the zoning map. A person wishing to start a commercial activity in these areas would have



to apply for a re-zone. Since the areas are called out on the plan as commercial, the re-zone application would be supported by the Land Use Plan. If neighboring property owners invoked the protective covenants the re-zone could be invalidated.

Advantages of the Proposed Option are as follows:

1. The zoning map is keyed directly to the Land Use Plan and implementation is more assured
2. Less interpretation of the map would be required of the Board of Adjustment and Zoning Officer, thereby minimizing the influence of groups outside the community.
3. Bulk and dimensional requirements can be varied to match the minimum lot size.
4. Growth can be channeled into an area which has more capacity than others.
5. Land is reserved for community facilities.

The major disadvantage to the Proposed Option is that residents may object to the establishment of minimum lot sizes, largely out of fear that they may be required to meet those minimums. Some residents feel there are too many restrictions on their land, particularly those on agriculture. They may feel that the Land Use Plan is not preserving the status quo, as they wished, by giving sanction to lots smaller than those existing.

When the County Zoning Map is prepared, Opportunity will be called out as having a separate map



4.1.02: Unclassified Option

When the County Zoning Resolution is prepared, a great portion of the county will come under an unclassified (or Agricultural-Open) zone in which certain uses are permitted and certain others are conditional. This zone is intended for relatively undeveloped rural areas, where no real patterns of development have been established. Within an unclassified zone, no specific areas are shown on the zoning map for commercial, industrial or other uses and a uniform minimum lot size for residential lots is established.

This option has no real advantages over the Proposed Option for Opportunity and is mentioned only as a possible choice, if a deadlock occurs over the Proposed Option.

Disadvantages to this option are that more interpretation by the Board of Adjustment and Zoning Officer will be needed and land is not directly reserved for public use. Bulk and dimensional requirements are not varied for different minimum lot sizes.

4.1.03: Large Tract Option

Another option would be to show a zoning map exactly the same as the Proposed, except that a minimum tract size of 10 acres would be set for all estates. This would mean that any further subdivision would have to go through the Board of Adjustment. The major disadvantage of the Large Tract Option is that there is more interpretation by the Board of Adjustment.



Section 4.2: ADOPTION OF THE PLAN AND ZONING RESOLUTION

Adoption of the Opportunity Land Use Plan will be in conjunction with adoption of the County-Wide Land Use Plan. The procedure for adoption of the county plan is shown on Figure 5. After the plan has been developed and initial citizen input obtained, the County Planning Board, acting for the County Commissioners, holds a public hearing on the plan. The plan is then adopted by the county commissioners.

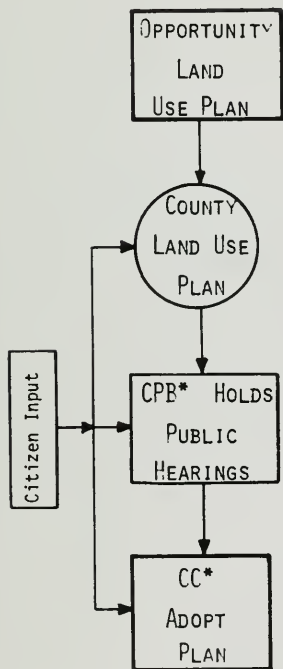
In order to implement the land use plan, a legal foundation must be established to facilitate its practical application. The principal means of achieving this is through the adoption of a zoning resolution (necessary steps for adoption of the resolution are shown in Figure 5). Selection of the desired zoning option for Opportunity precedes recommendations by the County Planning Board. The importance of approval by the citizenry is evident throughout the procedure, particularly during the period following the public hearing. After publication of intent to create a zoning district the County Commissioners must allow a 30 day written protest period. During this time, all written protests will be considered but the adoption of the zoning resolution may be stopped only if 40 percent of the freeholders in the county protest.

Section 4.3: ZONING ADMINISTRATION

Since the Opportunity Zoning Committee is an existing and active board and since it has participated in the planning process to a high degree, it is proposed that it continue to play an important role in the implementation of the plan. This group could act as an advisory council to the Zoning Officer and Board of Adjustment on zoning cases in Opportunity. The major



DEER LODGE COUNTY COMPREHENSIVE PLAN



Local
Citizens
Recommend

CPB*
Review

CC* APPOINT BOARD
OF ADJUSTMENT AND
ZONING OFFICER

OPPORTUNITY

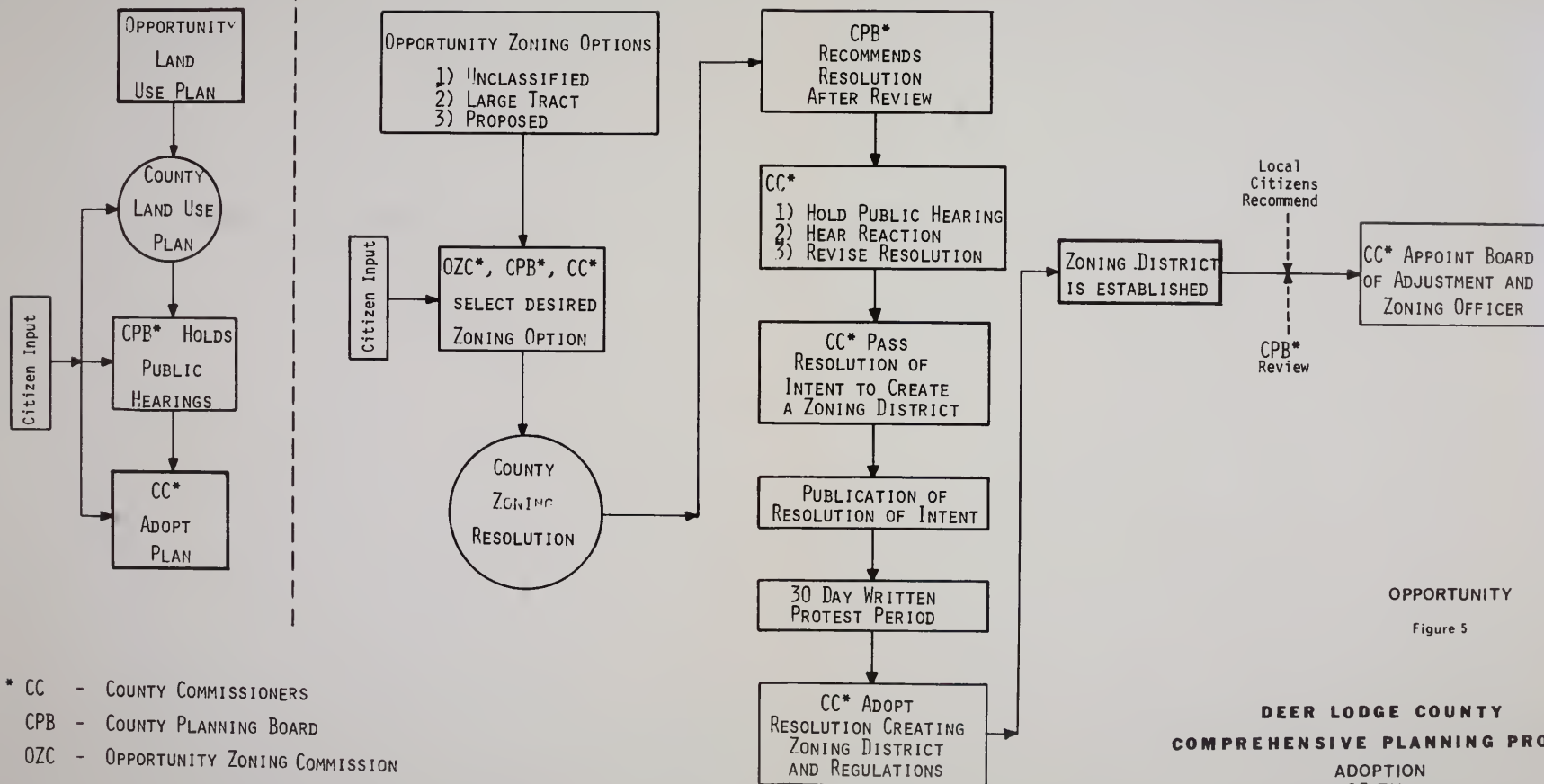
Figure 5

- * CC - COUNTY COMMISSIONERS
- CPB - COUNTY PLANNING BOARD
- OZC - OPPORTUNITY ZONING COMM

**DEER LODGE COUNTY
REHENSIVE PLANNING PROGRAM**

ADOPTION
OF THE
ZONING RESOLUTION

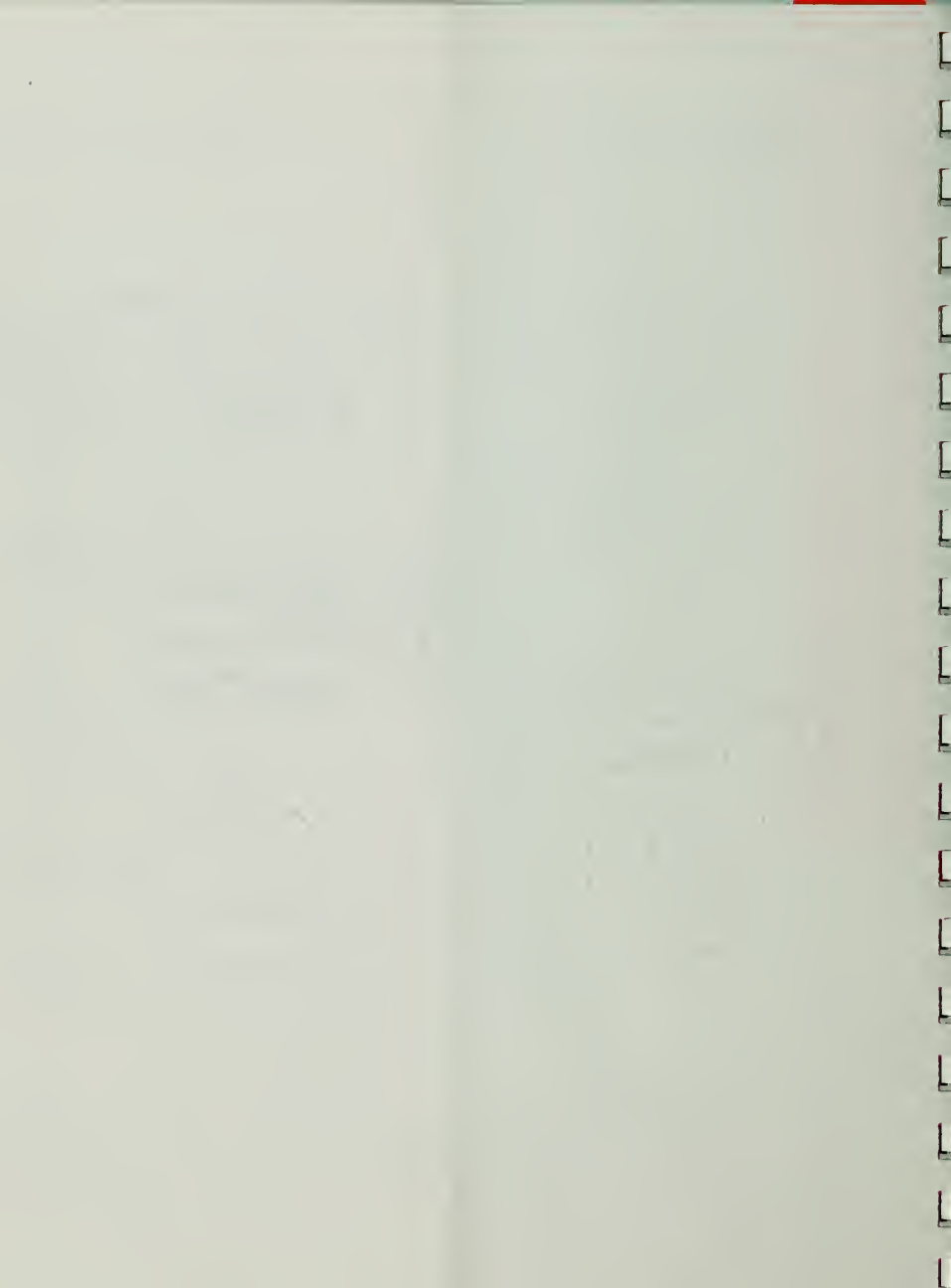




* CC - COUNTY COMMISSIONERS
CPB - COUNTY PLANNING BOARD
OZC - OPPORTUNITY ZONING COMMISSION

**DEER LODGE COUNTY
COMPREHENSIVE PLANNING PROGRAM**

ADOPTION
OF THE
ZONING RESOLUTION



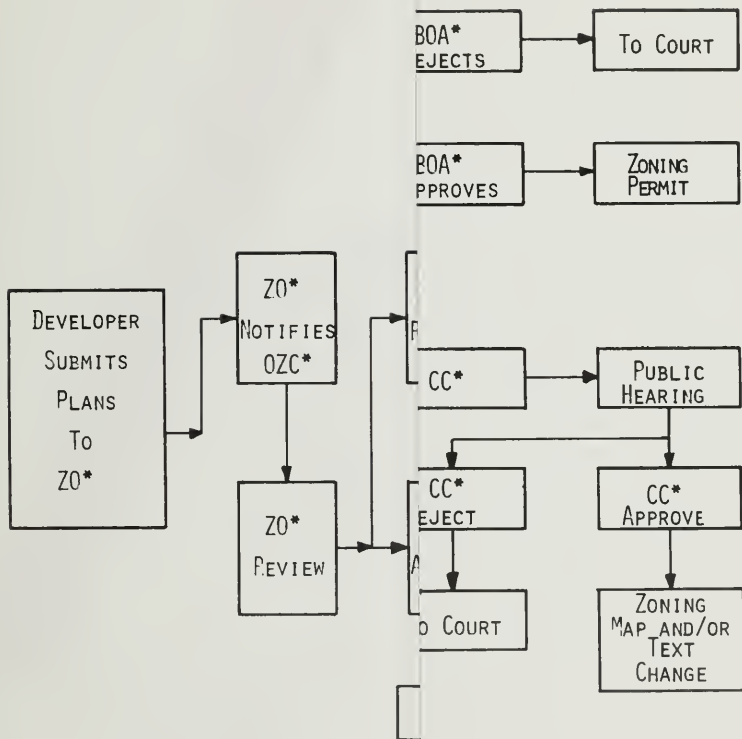
functions of the committee would be to assist the Zoning Officer in enforcement of the resolution and representing the community as an advisory board before the County Commissioners and Planning Board.

Administration of the Zoning Resolution is primarily the responsibility of the Board of Adjustment. The Zoning Officer and County Commissioners also have important roles (as shown in Figure 6).

Citizen participation in zoning administration takes place through correspondence with the Zoning Officer and a public hearing called by the Board of Adjustment. If the Zoning Officer rejects the developer's plans, the developer is then entitled to a public hearing. This would take place prior to a decision made by the Board of Adjustment regarding the application of variance, conditional use, or re-zone procedures. A variance refers to the means by which an adjustment is made in the application of specific regulations of the ordinance to a particular piece of property (e.g. lot size, setback, and bulk requirements, etc.). A conditional use is a land use which may be permitted in a given zone but only after review by the Board of Adjustment and issuance of a Conditional Use Permit. A re-zone is a change in the description or character of a zone, a change in the land use permitted in that zone, or a change in the boundaries of the zone.

If a re-zone is called for, the County Planning Board must review the plans and make recommendations to the County Commissioners. Following a public hearing the re-zone proposal is either accepted or rejected by the County Commissioners. All variance and conditional use cases are handled by the Board of Adjustment.





OPPORTUNITY

Figure 6

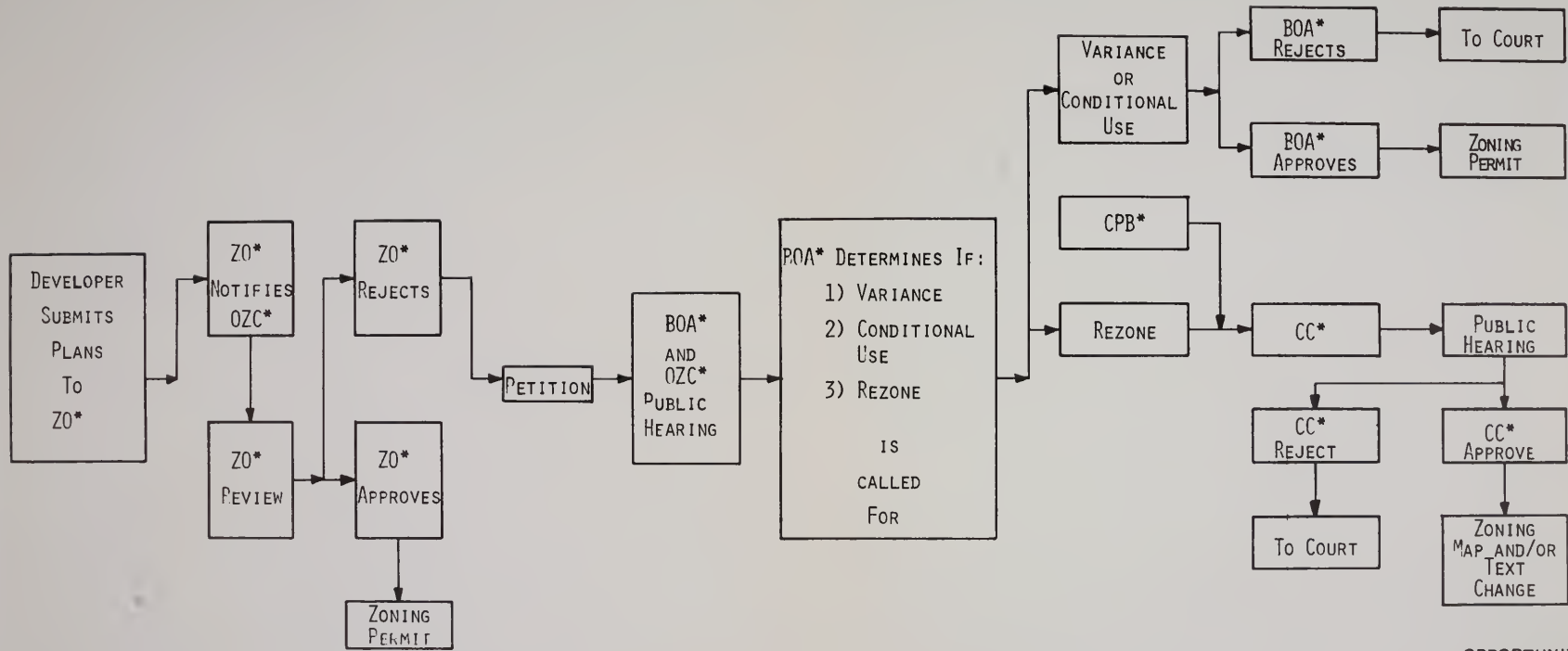
- * ZO - ZONING OFFICER
- OZC - OPPORTUNITY ZONING COMMITTEE
- BOA - BOARD OF ADJUSTMENT
- CC - COUNTY COMMISSIONERS
- CPB - COUNTY PLANNING BOARD

DEER LODGE COUNTY COMPREHENSIVE PLANNING PROGRAM

ADMINISTRATION
OF THE
ZONING RESOLUTION



ZONING ADMINISTRATION



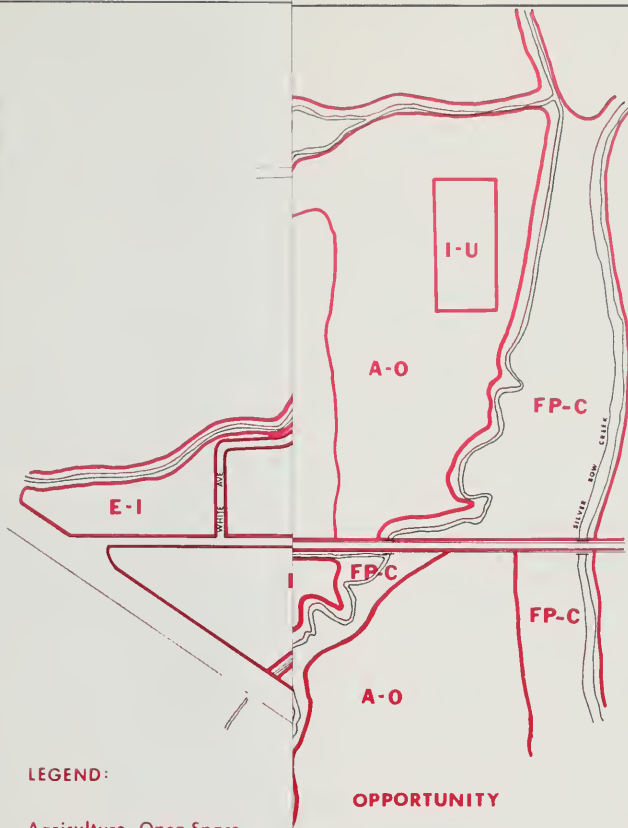
OPPORTUNITY

Figure 6

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**DEER LODGE COUNTY
COMPREHENSIVE PLANNING PROGRAM**

ADMINISTRATION
OF THE
ZONING RESOLUTION

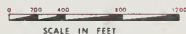


LEGEND:

- A-O** _____ Agriculture - Open Space
- FP-C** _____ Flood Plain - Conservation
- E-10** _____ Ten Acre Estate
- E-5** _____ Five Acre Estate
- E-2** _____ Two Acre Estate
- E-1** _____ One Acre Estate
- R-MO** _____ Residential - Mobile Home Park
- PLI** _____ Public Lands & Institutions
- I-U** _____ Industrial - Utilities

OPPORTUNITY

Figure 7



**DEER LODGE COUNTY
COMPREHENSIVE PLANNING PROGRAM**

PROPOSED ZONING MAP



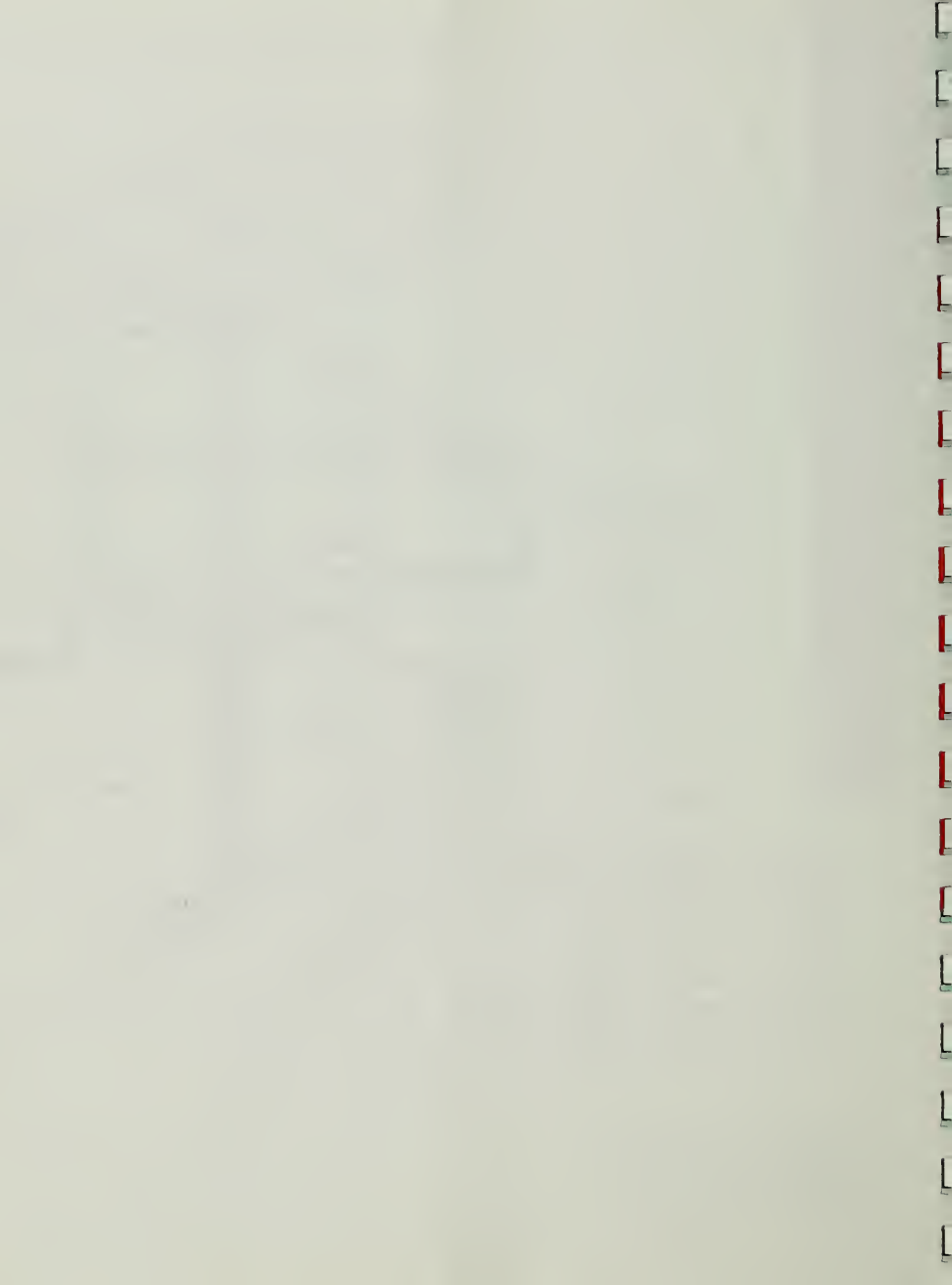
NORTHWEST PLANNERS

HELENA, MONTANA

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